

**General Assembly
Security Council**

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Agenda item 127

Security Council
Sixty-fifth year

**International Criminal Tribunal for the Prosecution
of Persons Responsible for Genocide and Other
Serious Violations of International Humanitarian
Law Committed in the Territory of Rwanda and
Rwandan Citizens Responsible for Genocide and
Other Such Violations Committed in the Territory
of Neighbouring States between 1 January and
31 December 1994**

**Identical letters dated 2 June 2010 from the Secretary-General
addressed to the President of the General Assembly and the
President of the Security Council**

I have the honour to transmit to you the attached letter dated 25 May 2010 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda, submitting several requests concerning the completion of the work of the Tribunal.

In his letter, President Byron seeks the extension of the term of office of seven permanent judges and nine ad litem judges. The term of office of the judges expires on 31 December 2010. As you are aware, in resolution 1901 (2009) of 16 December 2009, the Security Council underlined its intention to extend, by 30 June 2010, (a) the terms of office of all trial judges at the Tribunal based on the projected trial schedule, and (b) the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner.

President Byron also wishes to redeploy judges from the Trial Chambers to the Appeals Chamber upon the completion of the evidence phase of the trials to which they are assigned. President Byron is drawing attention to this issue because article 13, paragraph 3, of the statute of the Tribunal, as amended by Security Council resolution 1878 (2009) of 7 July 2009, provides that redeployments will be made upon the completion of the case.

When some judges are redeployed to the Appeals Chamber, and others resign on the completion of their cases, there will be one permanent judge left at the Tribunal. This means that the Tribunal will not have enough judges to fill the positions of President and Presiding Judge since, according to the statute, ad litem



judges are not eligible for election to these positions. President Byron proposes two ways in which the Tribunal may fill these essential positions without having to appoint new permanent judges: (a) converting ad litem judges to permanent judges; or (b) amending the statute to permit ad litem judges to take part in the election for and to be elected as President and Presiding Judge.

Finally, the Tribunal no longer has a roster of ad litem judges. This is because the ad litem judges who were on the roster were not available to serve, and so the Tribunal did not obtain the extension of their term of office in 2009. As a contingency plan, President Byron suggests that the statute of the Tribunal should be amended to allow the Secretary-General to appoint, at the request of the President, any former judge of the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia to serve as an ad litem judge of the International Criminal Tribunal for Rwanda.

It falls to the General Assembly and the Security Council to consider and decide on these requests. Accordingly, I would be grateful if you would bring the letter from President Byron to the attention of the members of the General Assembly and the members of the Security Council.

(Signed) **BAN Ki-moon**

Annex

Letter dated 25 May 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

In line with the request of the Security Council in resolution 1901 (2009), I herewith submit an updated trial and appeals schedule (enclosures I and II) as well as an overview over the current assignments of all Judges serving at the Tribunal (enclosure III). My letter, further, addresses four issues, concerning the extension of the terms of office of judges (1), the timing of redeployment to the Appeals Chamber (2), the need for judges to fill the key functions of the Tribunal (3) and the re-establishment of a roster of non-serving judges (4). I ask you to submit the requests to the Security Council and the General Assembly for appropriate action, where required.

1. Extension request

Based on the trial and appeals schedule attached, I seek extension of the terms of office for 7 of our 8 permanent and 9 of our 11 ad litem judges. The extension request takes into consideration that four trial judges, Judges Byron, Khan, Sekule and Ramaroson, will be redeployed to the Appeals Chamber in line with article 13 (3) of the statute.

The requested extensions are as follows:

Permanent judges

Extension sought until 31 December 2011 or completion of the trials to which he is or will be assigned, if sooner, for

Judge Bakhtiyar Tuzmukhamedov (Russian Federation).

Extension sought until 31 December 2013 or completion of the trials and appeals to which they are or will be assigned, if sooner, for

Judge William H. Sekule (United Republic of Tanzania)

Judge Mehmet Güney (Turkey)

Judge Andrésia Vaz (Senegal)

Judge Arlette Ramaroson (Madagascar).

Extension sought until 31 December 2014 or completion of the trials and appeals to which they are or will be assigned, if sooner, for

Judge Dennis Byron (Saint Kitts and Nevis)

Judge Khalida Rachid Khan (Pakistan).

Ad litem judges

Extension sought until 31 December 2011 or completion of the trials to which they are or will be assigned, if sooner, for

Judge Solomy Balungi Bossa (Uganda)

Judge Lee Gacugia Muthoga (Kenya)

Judge Florence Rita Arrey (Cameroon)
Judge Emile Francis Short (Ghana)
Judge Seon Ki Park (Republic of Korea)
Judge Gberdao Gustave Kam (Burkina Faso)
Judge Vagn Joensen (Denmark)
Judge Mparany Rajohnson (Madagascar)
Judge Aydin Sefa Akay (Turkey).

Please note that it is currently anticipated that permanent Judge Joseph Asoka de Silva (Sri Lanka) as well as ad litem Judges Taghrid Hikmet (Jordan) and Joseph Masanche (United Republic of Tanzania) will all complete their assignments before 31 December 2010.

2. Time frame for redeployment to the Appeals Chamber

At the same time, I would like to draw your attention to the wording of article 13 (3), as amended by resolution 1878 (2009). The article currently stipulates that judges can be redeployed to the Appeals Chamber "on the completion of the cases to which each judge is assigned".

Three of the four judges to be redeployed from the Tribunal will not have completed the judgement drafting phase of their last trial cases before the second half of 2011, while their services on the Appeals Chamber might be required already earlier. If redeployments could take place only after judgement delivery, delays in the appeals schedule could occur.

Therefore, judges to be redeployed at the Appeals Chamber should be able to take on their first assignment at the Appeals Chamber upon completion of the evidence phase in all their assignments at trial level, where necessary. This corresponds to the practice followed for prior redeployments of judges to the Appeals Chamber. Depending on the circumstances of the case, the judgement drafting phase of a trial could leave sufficient time for judges to take on pre-appeal and appeal work in another case. For example, a judge was redeployed to the Appeals Chamber over one year before judgement delivery in her last trial assignment, without this arrangement having a negative impact on the judgement delivery date or on the commencement of the appeals cases she was assigned to.

3. Need for judges to fill the key functions of the Tribunal

Following the resignation of three permanent judges in 2008 (Judge Reddy from Fiji and Judge Weinberg from Argentina) and 2009 (Judge Møse from Norway), currently only five resident permanent judges serve at the Tribunal. Four of those five judges will be redeployed to the Appeals Chamber: Judge Byron (the President of the Tribunal), Judge Khan (Vice-President and Presiding Judge of Trial Chamber III), Judge Sekule (Presiding Judge of Trial Chamber II) and Judge Ramaroson. Their redeployment will leave only one permanent judge (Judge Tuzmukhamedov).

Article 13 (1) and (7) of the statute provides that the President and the Presiding Judges are members of a Trial Chamber. While no equivalent rules exist

for the function of Vice-President, arguably, the Vice-President cannot properly exercise the functions of the President "in case the latter is absent" if he or she is also absent. In any event, the second terms of Judge Byron as President and of Judge Khan as Vice-President expire by the end of May 2011.

It is essential that the key positions for the daily functioning of the Chambers of the Tribunal can be filled, as long as trials continue, and until the Residual Mechanism commences its work. However, at this stage in the pre-closure phase of the Tribunal, it does not seem feasible to appoint three new judges as permanent judges. The Tribunal does not have sufficient work for so many additional judges, and the newly appointed judges would lack the experience to fill the leading positions of the Tribunal at this stage of the completion strategy.

According to article 12 quater (2) (a), ad litem judges are not eligible as President or Presiding Judge of a Trial Chamber. It is the practice of the Tribunal to apply the same requirement to the Vice-President.

The need to fill the key functions of the Tribunal without adding new judges could be addressed in two ways. Both options involve relying on the currently serving ad litem judges who have the necessary experience and institutional memory.

One possibility would be to convert three ad litem judges to permanent judges. The Tribunal currently has eight resident ad litem judges the extension of whose terms of office will be requested beyond 31 December 2010. Five of them, from Uganda, Kenya, Cameroon, Burkina Faso and Denmark, do not have the same nationality as any current permanent judge at the International Criminal Tribunal for Rwanda or any judge at the International Tribunal for the Former Yugoslavia who is or will be serving at the Appeals Chamber (see article 12 bis (1) (b) of the statute). Two judges, from Turkey and Madagascar, have the same nationality as permanent judges at the International Criminal Tribunal for Rwanda. One judge, from the Republic of Korea, has the same nationality as a judge at the International Tribunal for the Former Yugoslavia who will be deployed to the Appeals Chamber.

With respect to the requirement under article 12 bis (c), taking "due account of the adequate representation of the principal legal systems of the world", I note that, of the three permanent judges who have resigned, one was from an English common law system (Fiji), one from a French civil law system (Argentina) and one from a Scandinavian civil law system (Norway). Of the five eligible ad litem judges, three are from English common law systems (Uganda, Kenya and Cameroon), one from a French civil law system (Burkina Faso) and one from a Scandinavian civil law system (Denmark).

Such an appointment of three ad litem judges as permanent judges would have almost no financial implications. An ad litem judge converted to a permanent judge would become entitled only to education grant and education grant travel for his or her eligible children. The judges will not be entitled to pension rights, unless their term as permanent judges is extended beyond three years, which is unlikely under the time frame of the current completion strategy.

A second option to address the lack of sufficient permanent judges would be to enable ad litem judges to fill the key functions of the Tribunal. This would require an amendment of the statute of the Tribunal by deleting article 12 quater (2) and amending article 13 so that ad litem judges would have the same powers as

permanent judges, including eligibility as President, Presiding Judge of a Trial Chamber and, consequently, as Vice-President. This solution would have no financial implications.

Neither of my proposals is linked to or will prejudice the decision to be taken by the General Assembly at its sixty-fifth session on whether to grant ad litem judges equal terms and conditions of service with permanent judges.

4. Roster for judges

My last request addresses the fact that the Tribunal no longer has a roster of non-serving judges. In 2009, all the judges that remained on the ad litem judges roster indicated that they were no longer available, and one judge had passed away. Therefore, the Tribunal refrained from asking for extension of their terms of office as non-serving judges.

During the course of 2010, 2 of the 11 serving ad litem judges and one permanent judge will have completed their cases and are expected to resign as serving judges. Four permanent judges are scheduled for redeployment to the Appeals Chamber.

However, the workload before the Tribunal remains high in 2011, and there is uncertainty with regard to some possible additional trial activities, in particular the number of contempt proceedings to be expected. There is also a risk of judges becoming unavailable because of unforeseen health issues. The Tribunal at the moment would have no contingencies to address such situations and to ensure that judges are available to take over the assignment.

Therefore, a roster should be created of all previously elected non-serving and permanent and ad litem judges at the two Tribunals, who would have the necessary experience to work efficiently on their assignments from the beginning. For this purpose, article 12 ter (2) of the statute could be amended, and the Secretary-General could be authorized to appoint as an ad litem judge any non-serving permanent or ad litem judge who has previously been elected or appointed pursuant to the relevant provisions of the statutes of the Tribunals.

As it is unclear at this moment when the need for one or more extra judges would arise, if at all, the availability of each judge on the roster would be verified by the Tribunal at the moment when his or her services are needed. In such case, the Tribunal could, together with its request to the Secretary-General for appointment of one or more roster judges, submit a shortlist of candidates available for a specific assignment at a given time.

All four of the addressed matters are of crucial importance to ensure that the Tribunal can meet the goals of its completion strategy, that is, the completion of all trials by 2011 and of all appeals by 2013.

Therefore, I would be grateful if you could bring my requests to the attention of the Security Council and the General Assembly for appropriate action, where required.

(Signed) Dennis **Byron**
President

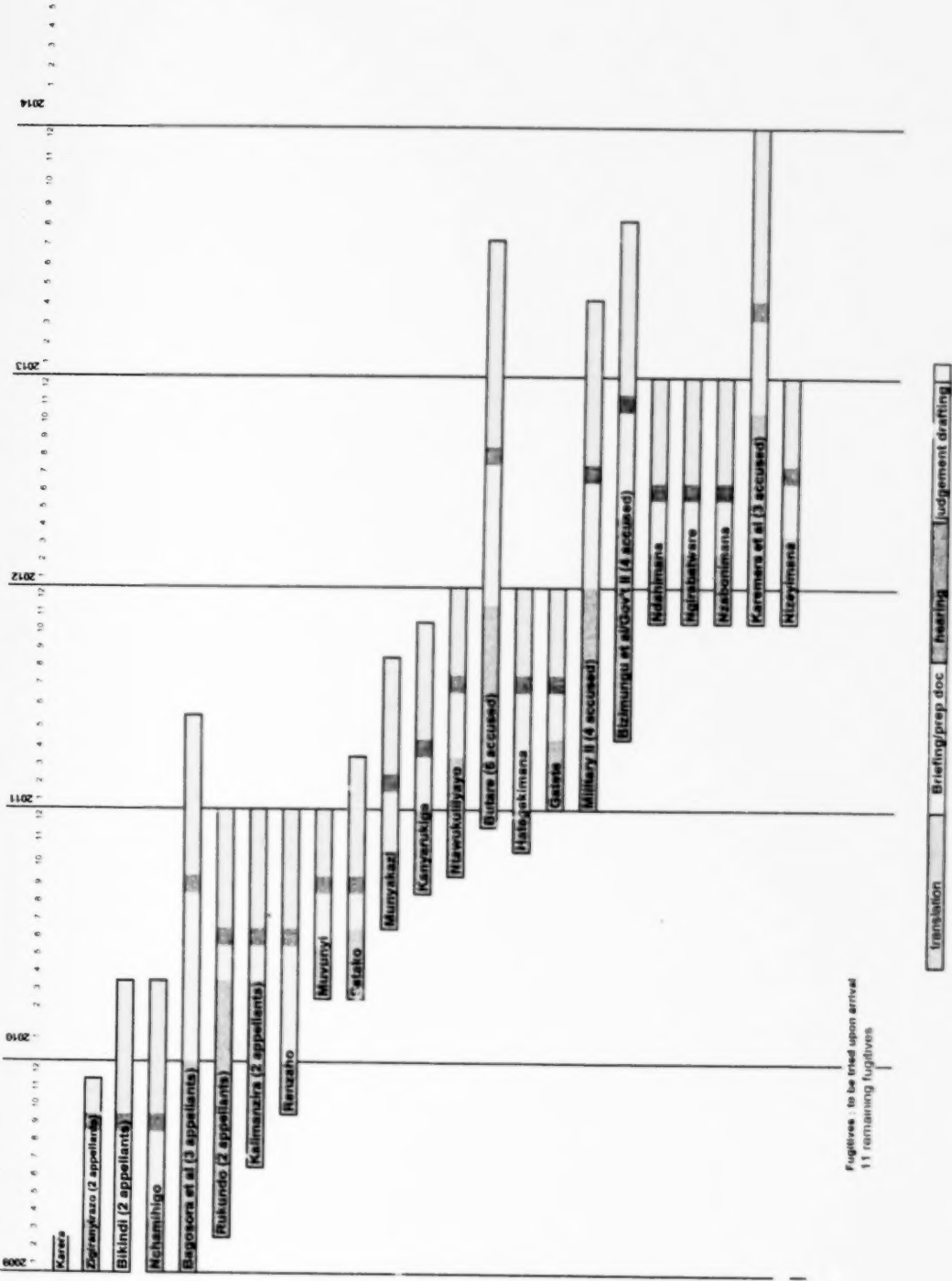
Enclosure I

International Criminal Tribunal for Rwanda projected schedule for trial cases for the biennium 2010-2011

A/64/814
S/2010/289

C/S Case #	Name of accused	2009												2010												2011												
		Month																																				
Annex 1		1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
41	Bizimungu (4 accused)																																					
42	Butare (6 accused)				C	A																		J	D													
43	Military II (4 accused)						C	A																	J	D												
45	Setako						C	A																														
46	Munyakazi						C	A																														
47	Hategukimana						C	A																														
48	Karemura et al (3 accused)						C	A																														
49	Kanyarukiga						C	A																														
50	Ngirabatware						C	A																														
51	Nlawukulyayo						C	A																														
52	Gatele						C	A																														
53	Nzabonimana						C	A																														
Annex 2 of Strategy Completion	Ndahimana						C	A																														
	Nizeyimana						C	A																														
							C	A																														
	Evidence Preservation Case 1						C	A																														
	Evidence Preservation Case 2						C	A																														
	Evidence Preservation Case 3						C	A																														

Enclosure II
International Criminal Tribunal for Rwanda appeals schedule 2009-2013



Enclosure III

Current assignments of trial judges at the International Criminal Tribunal for Rwanda and expected judgement dates

Permanent judges

<i>Judge</i>	<i>Assigned case</i>	<i>Projected judgement date</i>
Byron (St Kitts)	Karemera et al. (presiding)	September 2011
Khan (Pakistan)	Ntawukulilyayo (presiding)	September 2010
	Gatete (presiding)	December 2010
	Bizimungu et al. (presiding)	May 2011
	Nyiramasuhuko et al. (presiding)	December 2010
Sekule (United Republic of Tanzania)	Ngirabatware (presiding)	September 2011
	Hategekimana (presiding)	October 2010
Ramaroson (Madagascar)	Nyiramasuhuko et al.	December 2010
De Silva (Sri Lanka)	Ndindiliyimana et al. (presiding)	December 2010
Tuzmukhamedov (Russian Federation)	Ndahimana	August 2011
	Nzabonimana	October 2011

Ad litem judges

<i>Judge</i>	<i>Assigned case</i>	<i>Projected judgement date</i>
Bossa (Uganda)	Nyiramasuhuko et al.	December 2010
	Ngirabatware	September 2011
	Nzabonimana (presiding)	October 2011
Muthoga (Kenya)	Ntawukulilyayo	September 2010
	Gatete	December 2010
	Bizimungu et al.	May 2011
	Nizeyimana	October 2011
Arrey (Cameroon)	Munyakazi (presiding)	June 2010
	Ndahimana (presiding)	August 2011
Short (Ghana)	Bizimungu et al.	May 2011
Hikmet (Jordan)	Kanyarukiga (presiding)	August 2010
	Hategekimana	October 2010
	Ndindiliyimana et al.	December 2010
	Kanyarukiga	August 2010
Park (Republic of Korea)	Ndindiliyimana et al.	December 2010
	Nizeyimana	October 2011
	Karemera et al.	September 2011
Joensen (Denmark)	Karemera et al.	September 2011
Masanche (United Republic of Tanzania)	Kanyarukiga	August 2010
	Hategekimana	October 2010
Rajohnson (Madagascar)	Munyakazi	June 2010
	Ngirabatware	September 2011
	Nzabonimana	October 2011

<i>Judge</i>	<i>Assigned case</i>	<i>Projected judgement date</i>
Akay (Turkey)	Munyakazi	June 2010
	Ntawukulilyayo	September 2010
	Gatete	December 2010
	Ndahimana	August 2011

Additional assignments required for

- **Nizeyimana trial** (expected commencement in October 2010, expected judgement delivery October 2011 — third judge in addition to Judge Muthoga and Park still to be determined);
- **Rule 71 bis evidence preservation hearings** (three single judges; planned — subject to staff available in the Office of the Prosecutor — between October 2010 and June 2011 at latest);
- **Rule 11 bis requests** (depending on date of the request by the Prosecutor, likely to be heard in the first quarter 2011 — two benches would be required until approximately April 2011);
- **Contempt cases** (provision to be made for up to five cases in 2010-2011).

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General Assembly
Tenth emergency special session
Agenda item 5**Security Council**
Sixty-fifth year**Illegal Israeli actions in Occupied East Jerusalem
and the rest of the Occupied Palestinian Territory****Identical letters dated 7 June 2010 from the Permanent
Observer of Palestine to the United Nations addressed to the
Secretary-General and the President of the Security Council**

On the forty-third anniversary of the Israeli occupation, and a few days after the illegal and brutal Israeli aggression against the Gaza Freedom Flotilla carrying humanitarian aid to the besieged Gaza Strip, I write to draw your attention to the continued illegal Israeli policies and practices throughout the Occupied Palestinian Territory, including East Jerusalem.

Israeli occupying forces continue their inhumane and illegal siege and brutal attacks on the Gaza Strip. Today, Israeli occupying forces killed four Palestinians off the Gaza coast. On 1 June 2010, Israeli warplanes and tanks invaded several areas within Gaza, resulting in the killing of five Palestinians. These latest Israeli military attacks signal an Israeli intention to reignite the cycle of violence and cause further suffering in an already devastated society, living a humanitarian disaster because of the punitive, inhumane siege that Israel, the occupying Power, has imposed on the Palestinian population in Gaza for more than three years.

Palestinian Jerusalemites remain the target of a deliberate, aggressive and illegal policy by Israel, the occupying Power, which continues to consolidate its control over Occupied East Jerusalem while artificially creating an overwhelming Jewish majority in the city through the expulsion and forced displacement of the indigenous Palestinian population as well as the transfer of more Israeli settlers to the occupied City. As a continuation of this illegal policy, Israeli occupation authorities recently revoked the Jerusalem residency rights of four elected members of the Palestinian Legislative Council, Mohammad Abu Tair, Mohammad Totah, Khaled Abu Arafa and Ahmed Abu Atoun. This illegal measure has forbidden them from living in the city of their birth.

For decades now, the occupying Power has stripped thousands of Palestinian Jerusalemites of their identity cards and residency rights in Occupied East Jerusalem, as part of a larger policy aimed at emptying the city of as many Palestinians as possible while advancing its Judaization. Indeed, recent reports



indicate that tens of thousands more Palestinian Jerusalemites are under threat of being stripped of their residency rights as Israel continues to pursue this illegal policy of ethnically cleansing Occupied East Jerusalem of its indigenous population and the city's de facto annexation.

In the meantime, the terror campaign of illegal Israeli settlers against Palestinian civilians continues to intensify, especially in the West Bank city of Al-Khalil (Hebron), while the Israeli occupying forces choose to stand idly by and watch. On 2 June 2010, a car belonging to an illegal Israeli settler opened fire on a group of Palestinian students at the entrance of Al-Aroub camp in the city, leaving two 16-year-old students, Mu'taz Mousa Omran and Ibrahim Mohammad Al-Bes, seriously injured. This atrocious attack shows the utter Israeli disregard for the lives of innocent Palestinian civilians.

These brutal and illegal Israeli policies and practices are in blatant violation of international law and must be confronted directly, firmly and immediately by the international community. Standing idly by while such actions continue can only encourage the occupying Power to add another long list of war crimes to its heavy dossier. The international community, including the Security Council, has clear responsibilities in this regard, including the protection of civilians in situations of armed conflict, including foreign occupation. Hence, we call upon the Security Council to take urgent measures to redress this grave situation and bring an end to the dangerous culture of impunity Israel has thus far enjoyed.

Israel must respect its obligations as an occupying Power under international law, including humanitarian and human rights law. Moreover, Israel must be called upon to uphold its responsibility towards the civilian Palestinian population from further attacks of settlers, whose illegal presence it has funded, protected and encouraged. Such actions are international legal obligations. The international community must ensure that Israel proves its good faith and commitment to reaching a peace agreement through concrete actions rather than empty rhetoric.

This letter is in follow-up to our previous 368 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 5 May 2010 (A/ES-10/489-S/2010/230), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations



**General Assembly
Security Council**

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**General Assembly
Sixty-fourth session
Agenda item 13
Prevention of armed conflict**

**Security Council
Sixty-fifth year**

**Letter dated 7 June 2010 from the Chargé d'affaires a.i. of the
Permanent Mission of Qatar to the United Nations addressed to
the Secretary-General**

I have the honour to enclose herewith a letter dated 6 June 2010 addressed to you by Sheikh Hamad bin Jassim bin Jabr Al-Thani, Prime Minister and Minister for Foreign Affairs of the State of Qatar (see annex), with its enclosure, the Agreement concerning peaceful settlement of the border dispute between the State of Eritrea and the Republic of Djibouti, signed on 6 June 2010 by the President of the State of Eritrea and the President of the Republic of Djibouti, and signed on behalf of the State of Qatar as mediator and witness by His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar.

It would be highly appreciated if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 13, and of the Security Council.

(Signed) Alya Ahmed S. Al-Thani
Ambassador
Chargé d'affaires a.i.



**Annex to the letter dated 7 June 2010 from the Chargé
d'affaires a.i. of the Permanent Mission of Qatar to the
United Nations addressed to the Secretary-General**

I have the honour to transmit to you herewith an official copy of the agreement that was signed by the President of the State of Eritrea and the President of the Republic of Djibouti, in which they agreed to charge the State of Qatar to exert efforts as a mediator, with a view to finding a peaceful solution to the border dispute between their two countries. The agreement was signed on behalf of the State of Qatar, as mediator and witness, by His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar.

Please deposit this agreement in the archives of the Organization.

Accept, Sir, the assurances of my highest consideration.

(Signed) Hamad bin Jassim bin Jabr Al-Thani
Prime Minister and Minister for Foreign Affairs

Enclosure

Agreement between the State of Eritrea and the Republic of Djibouti

The Government of the State of Eritrea and the Government of the Republic of Djibouti, hereinafter referred to as "the parties",

Having considered the request from the President of the Republic of Djibouti for His Highness the Emir of the State of Qatar to intervene in order to resolve the dispute between the Republic of Djibouti and the State of Eritrea,

On the basis of the firm ties between those two countries and the State of Qatar,

Both parties wishing to charge the State of Qatar to exert efforts as a mediator, with a view to finding a peaceful solution to the border dispute between them,

Both parties being deeply appreciative of the State of Qatar's willingness to assume that role,

Have agreed to delegate to the mediator, His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, full powers to issue a document that includes the legal and technical measures and mechanisms that he considers appropriate for a final and mutually binding resolution of that border dispute. The parties have also agreed to accept the working document that will be announced by the State of Qatar and the subsequent resolution.

Republic of Djibouti
(Signed) Ismail Omar **Guelleh**
President of the Republic of Djibouti

State of Eritrea
(Signed) Isaias **Afwerki**
President of the State of Eritrea

Mediator and witness
State of Qatar
(Signed) Hamad bin Khalifa **Al-Thani**
Emir of the State of Qatar



Security Council

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8 June 2010

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Letter dated 3 June 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission in the Central African Republic and Chad (MINURCAT), which was established by Security Council resolution 1778 (2007) of 25 September 2007.

I should like to inform you that it is my intention to appoint Mr. Youssef Mahmoud (Tunisia) as my Special Representative for MINURCAT, from 1 June to 31 December 2010. Mr. Mahmoud has been serving as my Acting Special Representative since 1 April 2010. He will succeed Mr. Victor da Silva Angelo (Portugal), who served as my Special Representative for MINURCAT until 31 March 2010. I should like to take this opportunity to express my appreciation to Mr. Da Silva Angelo for his dedicated service during his tenure.

I should be grateful if you would bring the present letter to the attention of the Security Council.

(Signed) **BAN Ki-moon**





Security Council

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8 June 2010

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Letter dated 8 June 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 3 June 2010 (S/2010/292) concerning your intention to appoint Mr. Youssef Mahmoud (Tunisia) as your Special Representative for the United Nations Mission in the Central African Republic and Chad has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(Signed) Claude Heller
President of the Security Council



**Security Council**

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Letter dated 8 June 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I send this letter to you with regard to the recent development of a grave situation with regard to the Korean peninsula.

On 20 May 2010, the United States and the south Korean authorities released the "investigation result" that forcibly linked the sinking of the south Korean warship *Cheonan* with the Democratic People's Republic of Korea.

The Democratic People's Republic of Korea straight away totally rejected the "investigation result" and clarified its position that it had nothing to do with the incident, proposing to dispatch to the site of the incident its own inspection group of the National Defence Commission to conduct an objective evaluation of the "investigation result".

It would be very useful to remind ourselves of the ever-increasing international doubts and criticisms, going beyond the internal boundary of south Korea, over the "investigation result" from the very moment of its release.

As days go by, the objective and scientific military analysis and the environment surrounding the incident reveal that the incident is a fabricated scenario, purely for the political and military purposes of the United States.

The key to resolving the case lies in that the Democratic People's Republic of Korea, which is the victim, takes an opportunity to verify and evaluate the "investigation result" on a scientific and objective basis.

It is imperative for the Security Council not to step into the same situation in which it was once misused as a tool of high-handedness and hegemony of the United States by giving legitimacy to its armed invasion into Iraq, based on a single word of lies of Powell, United States Secretary of State, in February 2003.

The Security Council is duty bound to adhere strictly to the principles of respect for the sovereignty and impartiality of United Nations Member States, as enshrined in the Charter of the United Nations.

The Security Council is an organization with the securing of global peace and security as a lifeline in its mission. If the Security Council, as an organization with such a mission, has a genuine wish for peace and security on the Korean peninsula, where a touch-and-go situation is being created due to the *Cheonan* incident, it should take measures that can lead the United States and south Korea to receive the



inspection group of the National Defence Commission as already proposed by the Democratic People's Republic of Korea, the victim, to help verify the "investigation result".

By doing so, the Security Council should give utmost priority to bringing to light the very truth of the incident, on an impartial and objective basis.

In case the unilaterally forged "investigation result" is put on the agenda of the Security Council and opened to debate without the verification of the directly victimized party, it will be more than clear that the sovereignty and security of the Democratic People's Republic of Korea is infringed upon, and by then no one would dare imagine how serious the consequences would be with regard to peace and security on the Korean peninsula.

On this occasion I would like to enclose herewith a copy of the answer by the spokesman of the Foreign Ministry of the Democratic People's Republic of Korea dated 4 June 2010 and request you kindly to circulate the present letter and the attached answer by the spokesman of the Foreign Ministry as a document of the Security Council.

(Signed) **Sin Son Ho**
Ambassador
Permanent Representative

Annex to the letter dated 8 June 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Answer by the Spokesman of the Foreign Ministry of the Democratic People's Republic of Korea to the question put by the Korean Central News Agency on 4 June regarding the United States and its followers' attempt to refer the case of the sinking of the warship *Cheonan* to the Security Council, linking it with the Democratic People's Republic of Korea

As already clarified by the Democratic People's Republic of Korea, the "results of the investigation" into the case announced by the United States and the south Korean authorities are a sheer fabrication. If they are true, there will be no reason for them to refuse to receive the inspection group of the National Defence Commission of the Democratic People's Republic of Korea as already proposed by it to have their "results" confirmed objectively.

The key to the solution of this case is for the Democratic People's Republic of Korea, as the victim, to inspect and verify the "results of the investigation" of the United States and the south Korean authorities.

To begin with, the "investigation group" cooked up by the south Korean authorities under the manipulation of the United States is a vague entity which does not conform at all to international standards. The military authorities have the final say and some foreigners are said to have been involved in the group, but it was not made public in the least by what procedures and processes they were chosen as its members and whether all of them signed the "results of the investigation" or not. This was the reason why the south Korean authorities were compelled to put up the deformed name "joint civilian-military investigation group", something unprecedented in the world, instead of formally naming it an international investigation team. They are now trying to cool down the international criticism that the "results of the investigation" are doubtful, by inviting experts of individual countries which are not the victims of the case.

The Security Council should not follow the precedent in which its forum was stained by the United States with its lies about Iraq. It is important for the States members of the Security Council to pay primary attention to objectively probing the truth of the case and pass a right judgement of their own if they do not wish to see the Council abused again as a tool for high-handed and arbitrary practices of the United States. In case this issue is referred to the Council, it should take measures, before anything else, to ensure that the United States and south Korea receive the inspection group of the National Defence Commission as already proposed by the Democratic People's Republic of Korea and have the "results of the investigation" confirmed by it.

It will become irrefutably evident that the United States and its followers are seeking an ulterior purpose if they refer the case to the Security Council only with their unilateral "results of the investigation" while avoiding objective confirmation about its truth.

Then, the United States and the Security Council will find nothing to say even if the Democratic People's Republic of Korea responds with toughest measures as it did in the past, and they will never escape from their responsibility for having blocked denuclearization and triggering a conflict on the Korean peninsula.

**Security Council**

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Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country**I. Introduction**

1. The present report is submitted pursuant to the request of the Security Council contained in the statement issued by its President on 26 September 2001 (S/PRST/2001/25), in which the Council requested me to continue to keep it regularly informed about the situation in the Central African Republic and about the activities of the United Nations Peacebuilding Support Office in that country (BONUCA).

2. The report provides an update on the political, security, socio-economic, humanitarian and human rights developments in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) (which succeeded BONUCA on 1 January 2010) since my previous report, dated 8 December 2009 (S/2009/627). It also provides an update on ongoing efforts to put in place the structure and resources for the effective functioning of BINUCA and on the integration process.

II. Political situation

3. The political situation in the Central African Republic since December has been characterized by efforts to implement the recommendations of the December 2008 inclusive political dialogue, particularly those relating to the disarmament, demobilization and reintegration programme and preparations for the conduct and organization of transparent and credible presidential and legislative elections.

4. Since its establishment in January 2009, the Dialogue Follow-up Committee has held monthly sessions and four quarterly sessions to review the status of implementation of the recommendations of the inclusive political dialogue. In its assessment report published at the end of its fourth quarterly session, in January 2010, the Dialogue Follow-up Committee noted that only 44 out of 116 recommendations adopted by the inclusive political dialogue had been fully implemented, representing an execution rate of 37.93 per cent. The highest rate of implementation was related to recommendations dealing with socio-economic issues



(44.7 per cent), while those pertaining to security and armed groups registered the lowest implementation rates.

5. The Dialogue Follow-up Committee dispatched three sensitization missions to various parts of the country, including localities affected by rebellions in the south-east, north-west and north-east, from 30 March to 14 April. The missions focused on the establishment of the local electoral committees, the local disarmament, demobilization and reintegration committees and the security situation in the electoral constituencies. In a report addressed to my Special Representative, Sahle-Work Zewde, dated 21 April, the Committee noted that, owing to a lack of resources, the local electoral committees were not fully operational. The Committee's report also highlighted the weakness of the local disarmament, demobilization and reintegration committees, the delay in the regrouping of the former combatants and restrictions of the free movement of persons in the rebel-controlled areas, particularly in the north-western prefectures of Ouham and Ouham-Pendé, which prevented the Committee's team from visiting the towns of Paoua and Ndélé.

6. On 20 April, President François Bozizé issued a decree relieving two Ministers of their functions, namely, the Minister of Communication, Cyriaque Gonda, and the Minister of Territorial Administration and Decentralization, Elio Ouéfio, who was also the Minister in charge of elections. With regard to the latter, it should be recalled that the opposition had made repeated calls for his resignation or replacement on the grounds that there was an incompatibility of functions between his role as Secretary-General of the ruling Kwa na Kwa party and that of Minister in charge of elections.

Elections

7. On the basis of the recommendations of the electoral needs assessment mission conducted from 29 October to 12 November, a steering committee to support the electoral process was formally set up on 22 December. The Steering Committee on Elections, which is chaired by my Special Representative, comprises representatives of the Independent Electoral Commission, including its President, who serves as Vice-Chair, a senior representative of the Government, my Deputy Special Representative, in his capacity as Resident Coordinator and Resident Representative, and key international partners (France, the United States of America, the European Union and the African Union). After an initial lull resulting from the events described below, the Steering Committee resumed its deliberations in early March and has since then been meeting on a weekly basis.

8. On 14 January 2010, a loose opposition alliance, the Collectif des forces du changement (CFC), which comprises the main opposition coalitions, the Union des forces vives de la nation (UFVN) and the "other parties" and the politico-military group Armée populaire pour la restauration de la démocratie (APRD), decided to suspend its participation in the Commission, resulting in the paralysis of the electoral process for a period of about two months. That decision was prompted by what the opposition characterized as the Commission's lack of impartiality, flaws in the establishment of local electoral committees and the lack of credibility of the electoral list, among other complaints. The opposition also demanded the resignation of the President of the Commission and the replacement of some of the

opposition's representatives on the Commission, for what it regarded as shortcomings in the discharge of their mandates.

9. In a bid to find a solution to this deepening crisis of confidence, President Bozizé, on 30 January, convened a meeting of national stakeholders and international partners to discuss the grievances of the opposition. At that meeting, he mandated the National Mediator Paulin Pomodimo, the former Archbishop of Bangui, to undertake mediation efforts to help resolve the crisis.

10. Those efforts culminated in the signing, on 13 February, of a memorandum of understanding by the Government and the entities that participated in the inclusive political dialogue. The memorandum of understanding, which formally resolved the crisis, allowed the opposition to replace some of its representatives in the Commission and provided for a review of the composition of the local electoral committees, including those established in the Central African Republic's overseas diplomatic and consular missions, the conduct of an audit of the Commission's finances, the strengthening of the capacity of the Commission with the support of international partners and available national expertise and the review and updating of the 2005 electoral code of conduct.

11. Following the signing of the memorandum of understanding, President Bozizé issued a new presidential decree, on 24 February, which allowed the opposition to replace its representatives in the Independent Electoral Commission. The new members of the Commission were formally sworn in on 1 March. Meanwhile, the representative of the Rassemblement démocratique centrafricain, founded by the late former president, André Kolingba, which was experiencing internal tensions, was not sworn in. On the same day, President Bozizé issued another decree setting 25 April 2010 as the date for the first round of parliamentary and presidential elections. On 2 March, he issued a third decree on the demarcation of constituencies for the legislative elections. The opposition issued a statement on 3 March in which it claimed that the presidential decree setting the date of 25 April for the conduct of the polls had been based on a unilateral recommendation of the President of the Commission and had been formulated before the new opposition members were sworn in.

12. The opposition also raised several questions relating to the state of preparedness of the Independent Electoral Commission, security challenges arising from the disarmament, demobilization and reintegration process and the issue of internally displaced populations and refugees, which in the opposition's view made it premature to hold elections by the date set by the President. The opposition emphasized that progress on disarmament, demobilization and reintegration, particularly the completion of the disarmament and demobilization of former combatants, was a prerequisite for a reliable voter registration process and for the free movement of political actors in the run-up to any elections.

13. On 24 March, the Independent Electoral Commission presented a progress report on its activities to the Steering Committee on Elections at its fourth meeting. The report reviewed the preparations for the elections and concluded that it would be technically impossible for the Commission to comply with its initial schedule. The report was generally welcomed by the main international partners.

14. On 30 March, President Bozizé issued a decree fixing the new date of 16 May for the conduct of legislative and presidential elections. This prompted CFC to issue

a communiqué, dated 5 April, in which it announced that it would not field candidates on the grounds that conditions did not exist for the conduct of transparent, credible and consensual elections on 16 May. As a result, the expiry date of 9 April passed without the opposition having submitted any candidates for the presidential and legislative elections. Thus, by the time the present report was being finalized, only President Bozizé and former President Patassé had filed the necessary presidential candidacy forms.

15. Meanwhile, President Bozizé received former President Patassé, at the National Assembly, for the second time since Mr. Patassé returned from exile in 2009. After the meeting, Mr. Patassé announced that he had been mandated by President Bozizé to work with national stakeholders in order to find a political consensus on all the challenges besetting the electoral process. However, Mr. Patassé's initiatives in that regard were short-lived because of the opposition's reluctance to participate in mediation efforts led by the former President.

16. As part of the effort to resolve the disagreements between the opposition and the Independent Electoral Commission on the electoral process, the Special Envoy of the Secretary-General of the International Organization of la Francophonie, former President Pierre Buyoya of Burundi, arrived in Bangui on 13 April for a series of consultations with national authorities, political parties, civil society and international partners. At the same time, representatives of the international community, along with my Special Representative, also pursued their facilitation role to try to break the impasse and create an enabling environment for the organization and conduct of transparent and credible elections within the time frame set by the Constitution.

17. At the eighth meeting of the Steering Committee on Elections, held on 22 April, the Independent Electoral Commission presented another progress report focusing essentially on operations relating to the revision of the voters' rolls. On that occasion, the President of the Commission definitively acknowledged that, owing to certain technical and logistical difficulties encountered during the revision exercise, the elections could not take place on 16 May as scheduled. He further disclosed that the Commission would formulate a revised electoral schedule that would take into account all aspects of the organization of transparent and credible elections.

18. On 29 April, President Bozizé convened a meeting of national stakeholders and international partners to discuss the new crisis in the electoral process. The meeting concluded that the elections would need to be postponed in order to allow sufficient time for the preparation and conduct of credible polls. The move was unanimously welcomed by all national stakeholders, including the opposition. A bill was subsequently tabled in the National Assembly to amend the Constitution so as to allow the President and the members of the Assembly to remain in office beyond the constitutional time frame until elections could be held. It is recalled that the President had previously sought and obtained a favourable opinion from the Constitutional Court on the proposed constitutional amendment. Also, the Parliamentary Committee on Constitutional Matters sought the views of various national stakeholders on the proposed amendment prior to its submission to the plenary session of the Parliament. Nevertheless, the bill has been challenged by the opposition and some sections of civil society, which insist that the issue should be addressed through a political consensus among national stakeholders.

19. In the interim, the Independent Electoral Commission adopted a revised budget that was shared with the Steering Committee on Elections. The new budget was estimated at approximately \$21.6 million, representing an increase of nearly \$5 million from the initial budget drawn up in the wake of the electoral needs assessment mission.
20. In early April, a mission of the joint European Union/United Nations Development Programme (UNDP) task force in support of the electoral process visited Bangui to finalize arrangements for the signing of a funding agreement on the European Union's pledged contribution of €6.5 million. France has for its part provided €200,000 directly to the Independent Electoral Commission to help kick-start its activities. The United States of America contributed \$1 million to support civil society through the National Democratic Institute. Those funds, as well as those provided by France, were not included in the common basket fund for elections set up by UNDP.
21. UNDP had put in place, on 1 December 2009, a preparatory assistance project to which it contributed \$365,000 in 2009 and \$400,000 in 2010 through the common basket fund. This contribution enabled the Independent Electoral Commission to become operational and enabled UNDP to recruit a team of experts to assist the Commission in preparing and organizing the elections. Thus, an electoral census expert arrived in Bangui in December, followed by chief technical adviser on elections in early February.
22. The amount of \$1.5 million was provided under the second allocation of the Peacebuilding Fund to support the electoral process. Of that amount, \$1.1 million was earmarked for security-related aspects of the elections, while the remaining \$400,000 was allocated to the provision of technical support to the Independent Electoral Commission, including the establishment of a national data centre for the elections. The project document relating to this allocation was reviewed and approved by the Peacebuilding Fund Joint Steering Committee on 21 April and the related funds have been made available.
23. In the context of the mandate of BINUCA to support the organization of peaceful, credible and transparent elections in 2010, my Special Representative held extensive consultations with national stakeholders and international partners, including President Bozizé, senior Government officials, opposition leaders, civil society representatives and regional and international actors. In January and March, for instance, her interventions were critical in encouraging the opposition to demonstrate flexibility and not to completely withdraw from the electoral process. My Special Representative also encouraged Government officials to find appropriate solutions to major political issues. As part of her efforts to ensure a coordinated and coherent international approach in support of the organization of credible and transparent elections, she chaired regular meetings of the international committee for the follow-up of the political and development situation in the Central African Republic and instituted fortnightly meetings with the group of African ambassadors.
- Disarmament, demobilization and reintegration**
24. Despite the efforts of UNDP, the disarmament, demobilization and reintegration process has progressed slowly. The 31 military observers provided by the Economic Community of Central African States (ECCAS) arrived in Bangui on

5 December. On 17 December, the Disarmament, Demobilization and Reintegration Steering Committee adopted the road map setting the beginning of disarmament and demobilization for February and March 2010. Within that framework, the second phase of the disarmament, demobilization and reintegration sensitization campaign, which was aimed at sensitizing the former combatants and the host communities and deploying the military observers, was launched on 5 February. Shortly thereafter, the campaign was aborted owing to disagreements between the main rebel movement in the area, APRD, and the Government regarding the modalities for the payment of daily food allowances to the disarmament, demobilization and reintegration candidates.

25. In a bid to resolve the impasse, the Disarmament, Demobilization and Reintegration Steering Committee decided to delink the sensitization campaign from the establishment of local disarmament, demobilization and reintegration committees and the payment of food stipends. It was in that context that the establishment of the local committees and the payment of food allowances was successfully conducted in the north-western and north-central regions from 1 to 9 March. However, initial attempts to carry out similar activities in the north-eastern prefectures of Vakaga and Haute Kotto, from 22 to 30 March, had to be halted owing to the lack of cooperation from the commanders on the ground of the former rebel group, the Union des forces démocratiques pour le rassemblement (UFDR), which presented a list of political demands to the Government.

26. Meanwhile, the sensitization campaign resumed and was conducted with relative success in the north-western and north-central regions of the country from 22 March to 8 April. In addition, the 31 ECCAS military observers were deployed in the field. At the time of reporting, the military observers were on the ground gathering information and doing the necessary groundwork for the verification of the lists of disarmament, demobilization and reintegration candidates.

27. During the campaign, the representative of the Front démocratiques du peuple centrafricain (FDPC) on the sensitization team and two local mediators were held hostage by FDPC combatants on the ground. This and subsequent developments suggested that FDPC had distanced itself from the Libreville Comprehensive Peace Agreement and was not ready to continue to be part of the disarmament, demobilization and reintegration process. The sensitization campaign in the north-eastern region, including the establishment of local disarmament, demobilization and reintegration committees and the payment of food stipends to UFDR and the Mouvement de libérateurs centrafricains pour la justice (MLCJ) former combatants, was eventually carried out from 14 to 25 May.

28. Owing to delays in the disarmament, demobilization and reintegration process, it is likely that additional resources will need to be mobilized to ensure further implementation of the process.

III. Military and security situation

29. The overall security situation in the country remained volatile owing to the ongoing internal rebellion in the north of the country, the activities of road bandits and poachers, the lack of significant progress in the implementation of disarmament, demobilization and reintegration, the setbacks in the electoral process and the presence of foreign rebel elements, including those associated with the Ugandan

Lord's Resistance Army (LRA) and the Front populaire pour le redressement (FPR) of the Chadian rebel leader, General Baba Laddé. Humanitarian operations of United Nations agencies and non-governmental organizations (NGOs) have been hampered by the deterioration in the security situation in certain areas. The situation may deteriorate further in the event of a withdrawal of United Nations Mission in the Central African Republic and Chad (MINUCRAC) from the north-eastern area of the Central African Republic.

30. In Bangui and surrounding areas, the security situation remains calm but tense, except for isolated incidents of petty crime, including break-ins and burglaries. Tension has been steadily rising, however, in the run-up to the elections.

31. Elsewhere, hectic and inconclusive efforts by the Government to carry out negotiations with armed groups that are not part of the Libreville peace process have increased tensions in the Vakaga and Bamingui-Bangoran prefectures. In the wake of the attack perpetrated by the Convention des patriotes pour la justice et la paix (CPJP) against the town of Ndélé on 25 November, the Government has attempted to reopen talks with the movement, albeit without tangible outcomes. On 2 April, CPJP launched another brutal attack against Ndélé, but failed to take control of the town, which was defended by a contingent of the Central African Armed Forces. At the time of reporting, the majority of the town's population had fled into the bush, while relief organizations had relocated their staff in the wake of the attack.

32. In the Vakaga prefecture, ethnic tensions linked to access to local resources, including taxes levied on imports from the Sudan, remained high but stable. Several incursions of various armed groups originating from Chad or the Sudan have been reported. The north-eastern area of the Central African Republic is increasingly used by those groups as a temporary safe haven. The proliferation of armed groups has resulted in increasing criminality, which in turn has resulted in a decrease in the delivery of much-needed and critical humanitarian assistance.

33. In the south-east, the deployment, since December 2009, of the Ugandan People's Defence Force (UPDF) in pursuit of LRA elements has restored some measure of security in the town of Obo. However, persistent attacks by LRA operating in small groups in rural areas have forced villagers to seek refuge near UPDF bases, leaving the villages empty between Mboki and the border with the Sudan. As of February 2010, UPDF operations forced LRA to move westward to look for supplies — notably food and clothing — and means of communication. At least 12 attacks were launched against civilians in various localities between February and April 2010, reportedly resulting in 23 deaths and more than 60 abductions. On 21 March, LRA reportedly attacked Agoumar, where the bodies of 14 villagers, killed with axes and machetes, were later discovered.

34. Certain localities in the rebel strongholds of Nana-Grébizi and Ouham, in the north-west, have become off-limits owing to the presence of elements of FDPC, which, as mentioned above, had been sending mixed signals regarding its continued participation in the disarmament, demobilization and reintegration process. The security situation remained particularly tense in the north of Kabo (Ouham prefecture), where FDPC had barely been cooperating in the implementation of the Libreville Comprehensive Peace Agreement. In April 2010, FACA reinforced its presence in the area and retook control of the road to Chad after dislodging FDPC elements.

35. In the north-western prefecture of Nana-Grébizi, in the area of Markounda, armed clashes between Fulani herders, APRD and Chadian nationals in February resulted in the deaths of scores of Fulani herdsmen from Chad. This incident prompted the Chadian authorities to request the establishment of a tripartite commission of enquiry comprising representatives of Chad, the Central African Republic and APRD to shed more light on the alleged killings.

36. In December 2009, the leader of the former rebel movement Mouvement national du salut de la patrie (MNSP), Hassan Ousman, disappeared from his premises at the Bangui base of the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX), a subregional peacekeeping force. The whereabouts of Mr. Ousman, who was also the Chair of the Subcommittee on Security and Armed Forces of the Dialogue Follow-up Committee, remained unknown at the time of reporting. Also, in January 2010, the former minister and leader of the rebel movement CPJP, Charles Massi, disappeared under unclear circumstances. As a result of these disappearances, the other former rebel leaders in Bangui appear to be growing increasingly concerned about their safety, especially after the Government of the Central African Republic initiated efforts to have them ejected from the MICOPAX base in Bangui, where they have resided since joining the peace process, pursuant to a decision of the Follow-up Committee established under the Comprehensive Peace Agreement.

IV. Gender issues

37. During the period under review, my Special Representative intensified her efforts to support the promotion of women's political participation and the fight against sexual and gender-based violence in the country, in compliance with Security Council resolutions 1325 (2000) and 1820 (2008). As part of the 2010 celebration of International Women's Day, BINUCA assisted the Ministry of Social Affairs, National Solidarity and Family and women's organizations in conducting awareness campaigns in secondary schools and organizing a workshop on investigation techniques and the production of radio programmes on violence against women.

38. In the context of the Convention on the Elimination of All Forms of Discrimination against Women, BINUCA contributed to the promotion of the rights of minorities and vulnerable groups, such as pygmies and albinos. It assisted the Ministry in organizing advocacy campaigns with a view to promoting the rights of women belonging to social minorities.

39. With regard to the participation of women in the peace process, BINUCA worked with the Government and women's associations to facilitate the organization of a series of sensitization campaigns in preparation for the 2010 elections. About 500 women from Bangui and the provinces have benefited from these campaigns so far. It also held a three-day workshop, in collaboration with the Independent Electoral Commission, to train 75 women candidates for the parliamentary elections, drawn mainly from 20 key political parties and including 15 independent candidates. In addition, BINUCA facilitated a meeting convened by the association of women journalists on how to better communicate on issues relating to women's participation in elections.

40. BINUCA continued its partnership with Radio Ndéké Luka through the provision of a yearly subvention of \$10,000. For its part, the local radio station continued to promote the mission's mandate and provided time for weekly programming on civic education, human rights and the development of a culture of peace, as well as a monthly programme on the activities of BINUCA.

41. BINUCA continued to work closely with the Government to support the promotion of a culture of peace through the decentralized national reconciliation structures established by the communications ministry. It also continued to extend support to the local press and national regulatory organs in the areas of capacity-building and institutional strengthening.

V. Socio-economic situation

42. The economy registered positive, but with sluggish growth. Real growth in gross domestic product (GDP) in 2009 was estimated at 1.7 per cent compared with 3.7 per cent and 2 per cent in 2007 and 2008, respectively. This slowdown could be attributable in part to the global crisis that affected the Central African economy through its leading exports (diamonds and timber). Thanks to falling food prices, the average annual inflation rate fell to 3.5 per cent after reaching a peak of 9.3 per cent in 2008. The external current account deficit shrank to less than 8 per cent of GDP in 2009, compared with over 10 per cent in 2008, following the decline in import volumes and improved terms of trade caused by the drop in world oil prices and an upturn in the prices of diamonds.

43. Fiscal performance has been encouraging. Domestic revenue registered a gradual increase, from 9.5 per cent of GDP in 2006 to 10.8 per cent in 2009. Prudent management of public expenditures (stabilized at approximately 13.8 per cent of GDP) resulted in a domestic primary budget surplus equivalent to 1.5 per cent of GDP in 2009. The surpluses have contributed to a reduction in bank debt and domestic arrears. Major reforms in the management of public finances have been undertaken with the assistance of development partners. With support from donors, the Government has drawn up a comprehensive medium-term reform programme for public finance management.

44. At the time of reporting, economic growth was expected to reach 3.3 per cent in 2010, while inflation was expected to fall below 2 per cent. The current account deficit was expected to stabilize, owing mainly to an expected increase in aid flows.

VI. Humanitarian situation

45. The humanitarian situation during the reporting period was characterized by a steady erosion of the humanitarian space in some important areas of operations. The underlying constraints affecting humanitarian access are fourfold: logistics, criminality, conflict and politics. Two international NGO workers abducted in late November 2009 from their houses in Birao were released in early March 2010. The deterioration of the security situation had a negative impact on humanitarian access and activities in the Vakaga and Bamingui-Bangoran prefectures and in the north of the Ouham prefecture. Meanwhile, the extension of the LRA-affected areas in the south-eastern region has led to the use of armed escorts for the delivery of food and

non-food items destined for up to 12,000 refugees and internally displaced persons in the area.

46. Renewed armed confrontations triggered new internal displacements and increased the vulnerability of the local population. While an additional 5,000 persons have been displaced during the period under review, the total number of internally displaced persons was estimated at 162,000. Some 31,000 refugees from the Sudan and the Democratic Republic of the Congo settled in the eastern and southern provinces. In addition, there were still about 137,000 Central African refugees in southern Chad and Cameroon. As at November, renewed insecurity in Équateur Province of the Democratic Republic of the Congo had triggered the sudden flight of 18,000 refugees to the Lobaye prefecture, south of Bangui.

47. Funding in support of humanitarian assistance and early recovery programmes remains unpredictable and limited. The Common Humanitarian Fund for the Central African Republic had mobilized \$6 million by mid-year, while the Central Emergency Response Fund emergency window provided \$3 million to cover the immediate needs of the 18,000 Congolese refugees in the south.

VII. Operational activities in support of recovery and development

48. Funding provided by the European Union enabled the Food and Agriculture Organization of the United Nations to continue to implement several activities in 14 "development poles" in the Central African Republic, targeting 18,000 vulnerable households. Vegetable gardening activities launched in September 2009 continued to help 220 farmer associations, or more than 4,000 farming households, through the distribution of vegetable seeds and tools with the collaboration of NGOs and the participation of workers from the Ministry of Agriculture. Other activities conducted in support of rural development include seed multiplication, rehabilitation of marshlands through vegetable and crop production activities, rehabilitation and/or construction of agricultural storage rooms, promotion of conservation agriculture, support to the reintegration of former combatants and capacity-building for the Ministry of Agriculture, NGOs and farmers.

49. In the health sector, the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) supported the Government in organizing two rounds of a nationwide vaccination campaign against polio in which about 809,000 children were immunized. Also, WHO continued to provide technical support to the Government in strengthening epidemiological surveillance of epidemic-prone diseases, including training management teams of health districts, pre-positioning drugs and biological materials and organizing appropriate responses to cases of meningitis registered in the health districts of three regions.

50. The Central African Republic has been heavily affected by the HIV/AIDS epidemic and has been awarded grants by the Global Fund to Fight AIDS, Tuberculosis and Malaria to help combat the disease. However, the implementation of the national response to HIV/AIDS has encountered a number of obstacles, particularly in terms of access to treatment, prevention, care and support services. To help overcome those hurdles, a joint mission was undertaken in January 2010 by the Joint United Nations Programme on HIV/AIDS, the Global Fund, the Roll Back

Malaria Partnership, Ensemble pour une solidarité thérapeutique hospitalière en réseau, the United States Agency for International Development, France coopération internationale and Grant Management Solutions to meet with Government officials. BINUCA noted the risk of antiretroviral drug stocks running out before the end of January 2010. As a result, an emergency order of 50,000 doses of antiretroviral drugs was submitted to the Centrale humanitaire médico-pharmaceutique in Nairobi, paid directly by the Global Fund. The Government also made a special commitment for an order that would cover approximately 2.5 months of treatment. Moreover, the National AIDS Commission has ordered three months of treatment to be funded by the Global Fund, to be renewed on a quarterly basis.

51. UNICEF has finalized an agreement for the conduct of a study on youth vulnerability to HIV/AIDS. It has also finalized the terms of collaboration with the National AIDS Council to conduct a national knowledge attitude and practices study among young people. Furthermore, UNICEF has continued awareness-raising activities in the north and the north-east and has provided training for 50 health personnel from nine districts on the new global standards for the prevention of mother-to-child transmission and paediatric care.

52. The United Nations Population Fund (UNFPA) and other agencies of the United Nations system, as well as other partners, supported the Ministry of Public Health in boosting the national medical information system through a road map, the implementation of which will be coordinated by the Ministry of Public Health.

53. The World Food Programme (WFP) assisted some 320,000 vulnerable and conflict-affected people in the Central African Republic with approximately 4,300 tons of food commodities. Food assistance activities included emergency relief distribution to internally displaced persons and refugees, school meals for primary and preschool children, nutritional supplementary feeding for malnourished children and pregnant and lactating women, food for work projects on the rehabilitation of basic infrastructure and distributions for HIV-affected households.

54. In March, WFP led the transportation of the inter-agency convoy to the south-eastern province of Haut-Mbomou and provided life-saving food rations for 14,000 Congolese refugees and internally displaced persons affected by the activities of LRA. In addition, WFP conducted, in January and March 2010, emergency relief distributions to some 17,500 refugees who had fled the ethnic-driven conflicts in Équateur Province of the Democratic Republic of the Congo.

55. In the framework of its school feeding programme, WFP, together with the Government, launched a national deworming campaign on 6 February. This complemented school meals and contributed to improved attendance and academic performance of children living in the areas with a high prevalence of parasitic infection.

56. WFP also contributed to the safe and efficient movement of personnel and goods for the entire humanitarian community in the country, including United Nations agencies, NGOs and donors through its United Nations humanitarian air service, humanitarian transport, warehousing, and emergency telecommunication support. Furthermore, WFP promoted and supported the Government's participation in the New Partnership for Africa's Development Comprehensive Africa Agriculture Development Programme process.

VIII. Human rights and rule of law

57. During the reporting period, the human rights situation was marked by numerous violations. The disappearance of two politico-military leaders in December, the prolonged pretrial detention of individuals held with or without charges, cases of unlawful arrest and detention and the ill-treatment and torture of detainees have been documented during visits to prisons and detention centres in Bouar, Bambari, Bossangoa and Bangui by BINUCA human rights officers.

58. Cases of extortion and irregularities in the application of criminal procedures were generally observed. The treatment of detainees and conditions of detention remain well below international standards, while escapes by detainees have become prevalent, critically affecting the fight against impunity. Until appropriate attention is paid to the state of detention facilities, this problem will remain a serious concern. The detention of juveniles in violation of international standards and national legislation continued to be a matter of concern.

59. In the eastern prefectures of Mbomou and Haut-Mbomou, LRA was responsible for numerous human rights violations, leading to rising concerns about the protection of civilians in the affected areas. In recent months, elements of LRA carried out several attacks on the civilian population, resulting in the death, rape or abduction of many civilians and the addition of 700 to 1,000 internally displaced persons. It should be noted that children and women were particularly affected.

60. The human rights situation in the north, mainly in localities neighbouring Chad, remained a source of grave concern. The lack of effective State control in the area hindered the State's ability to protect the rights of its citizens. Refugee camps and sites have been targeted by local armed groups, including rebel groups operating in the region. Recent intercommunal clashes in Paoua, in the prefecture of Ouham-Pendé, skirmishes between herdsman and some armed groups in Markounda, in the prefecture of Ouham, and fights between Central African Armed Forces and CPJP in Ndélé, in the prefecture of Bamingui-Bangoran led to serious human rights violations by the parties involved in those clashes.

61. The United Nations High Commissioner for Human Rights, Navi Pillay, visited the Central African Republic on 18 February. The visit, which was her first official mission to an African country, highlighted the importance of promoting and protecting human rights in a post-conflict setting and underscored the need for national authorities to ensure that human rights concerns are fully addressed. The High Commissioner raised several human rights issues and concerns with the authorities, who expressed their commitment to address human rights gaps and solicited further United Nations support in providing assistance and expertise.

62. UNDP convened 20 governmental and private experts to formulate actions to fight against acts of violence towards individuals accused of sorcery. That issue, as well as armed robberies and the trafficking of Indian hemp, were the subject of exchanges during a seminar on "the dynamic partnership around safety", organized from 31 March to 15 April, which led to the signing of a local contract on security outlining joint actions to be implemented by police forces, judiciary services, elected officials and civil society over the next three years. UNDP also continued to provide support to Government institutions in charge of justice and security through a project on reinforcement of the rule of law.

63. BINUCA continued to provide capacity-building support and training to the national defence and security forces as well as technical advice and support for the implementation of security sector reform. In that regard, the United Nations police initiated and supervised, during the first quarter of 2010, training courses for the police and gendarmes. A total of 15 gendarmes and 115 police officers benefited from various training courses funded and facilitated by BINUCA in the areas of forensics, computer science, communications and the handling and maintenance of weapons.

IX. Child protection and efforts to combat sexual and gender-based violence

64. During the reporting period, particular attention continued to be given to the situation of children affected by conflict, in compliance with Security Council resolution 1612 (2005). UNICEF, BINUCA and Cooperazione internazionale jointly coordinated an operational plan for child protection in LRA-affected zones and have been able to engage in protection activities at several levels.

65. BINUCA and United Nations agencies in the Central African Republic continued to exert considerable effort vis-à-vis the various armed groups and the Government to the recruitment of children for military purposes. A total of 706 children (630 boys and 76 girls) were demobilized, and all have been successfully reunified with their families. In the south-eastern prefecture of Haut-Mbomou, UNICEF and its partners assisted at least 32 children and women used by LRA, who had been released and/or captured during hostilities. Eight children were repatriated from the Democratic Republic of the Congo, assisted in care centres and further supported for family reunification through the International Committee of the Red Cross.

66. UNICEF and its partners provided training for 5,492 children and young people (3,828 boys and 1,664 girls) in basic skills and in income-generating and livelihood programmes aimed at ensuring their self-sufficiency and, therefore, helping to prevent their further exposure to abuse and exploitation. Also, follow-up support continued to be provided through home visits and individual counselling. Moreover, 423 vulnerable children and youth (252 boys and 171 girls) received life skills training and literacy courses through non-formal education programmes.

67. To increase compliance with international legal standards regarding the protection of children and women in armed conflict, UNICEF and its partners provided training to 1,350 persons (1,032 APRD combatants and 318 local authorities) and 350 international peacekeepers on children's rights and on the prevention of under-age recruitment and sexual abuse and exploitation.

68. Furthermore, UNICEF continued to advocate with national authorities, including parliamentarians, for the adoption of the two additional protocols to the United Nations Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict. Advocacy to adopt a law on protection of children in the Central African Republic is also ongoing.

69. With regard to assisting survivors of sexual and gender-based violence, UNICEF, in partnership with the International Rescue Committee, supported the

establishment of a referral and post-care management system for survivors of sexual and gender-based violence in 192 villages, including many located in conflict-affected zones in the north-west. Also, 57 community volunteers received basic training on prevention, response and referral mechanisms, which resulted in 108 self-reports by survivors who received post-incident support and follow-up.

X. Relations between the United Nations Integrated Peacebuilding Office in the Central African Republic and the United Nations Mission in the Central African Republic and Chad

70. BINUCA continued to provide the necessary political support for MINURCAT operations in the Central African Republic during the reporting period, including housing the MINURCAT liaison office in its compound and facilitating meetings between the leadership of MINURCAT and the national authorities. On 5 April, BINUCA facilitated the United Nations mission to the Central African Republic led by my Special Representative for MINURCAT, Youssef Mahmoud, to discuss the future of the mission in the north-west.

XI. Activities of the Peacebuilding Commission

71. A Peacebuilding Commission delegation visited the Central African Republic from 3 to 10 December in the context of the first biannual review of the country's strategic framework for peacebuilding. The delegation was headed by the Chair of the Commission's country-specific configuration on the Central African Republic, the Permanent Representative of Belgium to the United Nations, Jan Grauls, and included representatives from the Central African Republic, Poland, Gabon, South Africa, France, Japan, the International Organization of la Francophonie and the Peacebuilding Support Office.

72. The mission concluded that the key challenges for 2010 would include the effective implementation of the country's disarmament, demobilization and reintegration process and the organization of presidential and legislative elections. While the disarmament, demobilization and reintegration process was technically ready to start, political and security challenges continued to hamper its operational launch. The Peacebuilding Commission stressed that responsibility for the successful completion of disarmament, demobilization and reintegration lay with national authorities.

73. The Peacebuilding Commission mission noted that while the Government had demonstrated ownership in the implementation of short-term commitments in the field of security sector reform, the security sector reform round table held in October 2009 had not yielded the expected outcome in terms of funding. The Commission encouraged the Government to streamline the list of projects submitted to the round table and to adapt them to the country's peacebuilding context.

74. Recognizing the efforts made by the Government in preparation for the 2010 elections, the mission expressed concern over human rights abuses and the weak capacity of the Independent Electoral Commission to organize free, fair and credible elections within the constitutional timelines. The Commission reiterated its

readiness to provide support to the national institutions, including financial support, to ensure that elections are held within those timelines.

75. During the reporting period, the country-specific configuration on the Central African Republic held three meetings, in December 2009 and January and March 2010, and issued a statement. The conclusions and recommendations of the first biannual review of the country's strategic framework for peacebuilding were adopted at the meeting held in January.

XII. Peacebuilding Fund

76. The implementation of the 12 peacebuilding projects under the first allocation of \$10 million proceeded smoothly, following initial challenges in the start-up phase. The implementation rate of the projects as at 31 March was slightly over 50 per cent.

77. Several agropastoral activities in support of communities affected by conflict were carried out under a project sponsored by the Office of the United Nations High Commissioner for Refugees and implemented by the Danish Refugee Council. Income-generating kits were given to local associations and groups under the same project, as well as a project for the empowerment of women implemented by UNFPA.

78. After a series of consultations concerning the need for a sustained engagement to respond to peacebuilding challenges, I approved, in January, a second Peacebuilding Fund allocation, amounting to \$20 million, for the implementation of the revised priority plan, which was approved by the Peacebuilding Fund Steering Committee and endorsed by the Peacebuilding Support Office. The revised priority plan addresses key priority areas in line with the strategic peacebuilding framework for the Central African Republic adopted on 6 May 2009.

79. The project on electoral support was discussed and approved by the Steering Committee at an extraordinary meeting co-chaired by my Special Representative and the planning minister held on 21 April.

XIII. Integration and common United Nations vision for the Central African Republic

80. The Government has welcomed the replacement of BONUSCA by the integrated peacebuilding office. To that effect, my Special Representative and the Minister for Foreign Affairs, Regional Integration and Francophonie signed the status-of-mission agreement on 7 May. On the same day, President Bozizé inaugurated the Place des Nations Unies.

81. The transition to an integrated mission has proceeded smoothly and is well understood by the Government and the United Nations country team. In an effort to implement the decision of the Security Council on integration, my Special Representative chaired a strategic planning retreat for United Nations system representatives in the Central African Republic, on 6 May, to discuss the principles of integration, brainstorm on the United Nations common vision for the country and define priorities for action. The outcome of the retreat should constitute the basis for

an integrated strategic framework for peace consolidation in the Central African Republic.

82. At the retreat, it was agreed that the BINUCA/United Nations country team Strategic Planning and Coordination Unit would prepare an interim integrated strategic framework that would serve as the basis for United Nations activities in support of peace consolidation in the Central African Republic, pending the finalization of ongoing discussions on the United Nations Development Assistance Framework for the period 2012-2016. Once developed, UNDAF will serve as the common framework for the entire United Nations system in the country and will bring together the political, development, human rights and humanitarian activities in support of a common vision.

83. In the meantime, an interim integrated strategic framework would address issues pertaining to good governance, human rights, reinforcement of State authority in the provinces, basic social services and community-based projects, security sector reform and disarmament, demobilization and reintegration.

XIV. Observations

84. Since its establishment, BINUCA has continued to play a key role in the implementation of the recommendations of the inclusive political dialogue. It has also focused on ways to strengthen the work of the United Nations in the Central African Republic. The ongoing process for the preparation of the integrated strategic framework will enable the Organization to speak with one voice, share a common vision and adopt a coherent and coordinated approach in support of national efforts to address the complex and multi-faceted challenges facing the country.

85. I encourage the Independent Electoral Commission to continue its work with the support of both national and international experts, despite the challenges surrounding the preparation of credible, transparent and inclusive elections. I call upon the international community, through the Steering Committee on Elections, to continue to provide support to the electoral process in the Central African Republic. I also urge Member States to make contributions to the common basket fund set up by UNDP to support the elections. Those efforts would help to maintain the momentum generated by the inclusive political dialogue and facilitate the advent of a stable democracy founded on lasting peace and sustainable development.

86. I call upon the Government of the Central African Republic and all national stakeholders to expedite the implementation of the recommendations of the December 2008 inclusive political dialogue, particularly those relating to security and armed groups, and to continue to be guided by the same spirit of consensus and consultation that characterized the dialogue.

87. I have taken note of the consensual decision to postpone the holding of elections and the adoption of two constitutional amendments enabling the President and the National Assembly to remain in office after the expiration of their mandates. I urge all national stakeholders in the Central African Republic to show a high level of responsibility and respect for the constitutional order and to agree on a consensual approach to move the electoral process forward. In that regard, I wish to emphasize the critical need for the Independent Electoral Commission to formulate, as soon as possible, a clear and realistic calendar for the conduct of elections.

88. I continue to be concerned at the slow pace of the implementation of the disarmament and demobilization phases of the disarmament, demobilization and reintegration process. The completion of the process will contribute to the creation of an environment conducive to holding elections. Any further delay could lead to frustration on the part of ex-combatants waiting for disarmament and lead to a relapse into conflict. Efforts must also be made to bring on board armed groups that have not yet joined the peace process and to disarm the self-defence groups, the Kara, Goula and Rounga ethnic militias, which are not covered by the current disarmament, demobilization and reintegration programme.

89. I remain very concerned about the disappearance of political leaders, particularly at this fragile juncture of the peace and national reconciliation process. I call upon the authorities of the Central African Republic to clarify those occurrences and to remain firmly committed to ensuring the safety of the politico-military leaders who have joined the peace process and who are currently residing in Bangui pursuant to a decision of the Follow-up Committee established under the Comprehensive Peace Agreement signed in Libreville in June 2008.

90. I welcome ongoing efforts to demobilize and reintegrate children associated with rebel and other armed groups. It is important, however, to address the persistence of impunity, which perpetuates a climate of human rights violations, corruption and lack of respect for the rule of law.

91. I encourage regional actors to continue their efforts to enhance cooperation with one another, particularly with respect to information-sharing on negative security developments in the region. In this context, I commend and support the regional effort to address the LRA menace.

92. I would like to express appreciation for the constructive efforts of the international community, including the Peacebuilding Commission, to support the peace process in the Central African Republic. I commend the efforts of the United Nations Standing Advisory Committee on Security Questions in Central Africa and support the recommendations of the thirtieth ministerial meeting of the Committee, held in Kinshasa from 26 to 30 April 2010.

93. I also wish to reiterate my appreciation for the multisectoral contribution of regional and international partners, including the Central African Economic and Monetary Community, ECCAS, the African Union, the European Union and the International Organization of la Francophonie, for their continued support for the peace and national reconciliation process in the Central African Republic.

94. Finally, I commend the staff of BINUCA, under the leadership of my Special Representative, as well as the entire United Nations country team, for the important work accomplished so far towards the completion of the integration process. I hope that enhanced coordination of United Nations activities will contribute to making a difference in terms of more effective service delivery and help to consolidate peace in the Central African Republic.

**Security Council**

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**Report of the Secretary-General on the United Nations
Disengagement Observer Force for the period from
1 January to 30 June 2010****I. Introduction**

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the past six months pursuant to the mandate contained in Security Council resolution 350 (1974) and extended in subsequent resolutions, most recently through resolution 1899 (2009).

II. Situation in the area and activities of the Force

2. During the period under review, the ceasefire in the Israel-Syria sector was maintained and the UNDOF area of operation remained generally quiet. UNDOF supervised the area of separation by means of fixed positions and patrols to ensure that military forces of either party were excluded from it. The Force also carried out fortnightly inspections of equipment and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed restrictions on the Force's freedom of movement. UNDOF continued to adapt its operational posture to the ongoing Israel Defense Forces training activities in the area of limitation on the Alpha side and Syrian civilian development growth in proximity to the ceasefire line in the area of separation. New defensive positions were constructed on the Bravo side in the area of limitation. Both sides maintained existing defensive positions in the respective areas of limitation. Israeli national customs officials continue to operate periodically at the Israel Defense Forces post at the UNDOF crossing gate between the Israeli-occupied Golan and the Syrian Arab Republic.

3. The Force continued to assist the International Committee of the Red Cross with the passage of persons through the area of separation. During the past six months, UNDOF assisted in the crossing of 23 students, 14 civilians and the mortal remains of one person, and supervised the handover of a Syrian male who had crossed into the Israeli-occupied Golan. In addition, UNDOF facilitated the transfer of 8,503 tons of apples and provided medical treatment to 85 civilians.

4. In the area of operation, especially in the area of separation, mines continued to pose a threat to UNDOF personnel and local inhabitants. Owing to the long-term presence of the mines and the deterioration of their detonation systems, the threat has increased. UNDOF continued to carry out operational mine clearance. Coordination with other agencies is under way to assist in increasing the level of mine awareness among the civilian population, in particular children, as well as exploring ways to assist those who have been injured by mine accidents. In addition, in an effort to accurately and clearly mark the Alpha and Bravo Lines, which delineate the area of separation, UNDOF is carrying out a barrelling project. The project includes the erection of new barrels, as necessary, to clearly mark the respective lines on the ground.

5. The UNDOF Force Commander and his staff maintained close contact with the military authorities of Israel and of the Syrian Arab Republic. Both sides generally cooperated with the Force in the execution of its tasks.

6. In view of the population growth and multiple construction developments in the areas of separation and limitation, the expansion of agricultural and cattle grazing areas, and an overall increase in civilian activities, UNDOF has established a civil affairs capacity to liaise with the civilian authorities and engage with local communities in order to explain the Mission's mandate and activities. The civil affairs capacity complements the regular liaison UNDOF maintains with military and security authorities in the area of separation and limitation. In the reporting period, the efforts of the Force facilitated the cultivation of farms in the vicinity of the Alpha Line by Syrian farmers.

7. As at 3 May 2010, UNDOF comprised 1,043 troops from the following countries: Austria (379); the Philippines (343); India (193); Croatia (95); Japan (31); and Canada (2). A total of 15 personnel are employed by Japan as a national support element. In addition, 79 military observers from the United Nations Truce Supervision Organization (UNTSO) assisted the Force in carrying out its tasks. The troop-contributing countries were briefed on UNDOF operational developments and activities during the period.

III. Financial aspects

8. My proposed budget for the maintenance of UNDOF for the period from 1 July 2010 to 30 June 2011, which amounts to \$47.9 million, is currently under consideration by the General Assembly during the second part of its resumed sixty-fourth session. Therefore, should the Security Council approve my recommendation, set out in paragraph 14 below, with respect to the extension of the mandate of UNDOF, the cost for the maintenance of the Force during the extension period will be limited to resources approved by the Assembly.

9. As at 30 April 2010, unpaid assessed contributions to the special account for UNDOF amounted to \$13.5 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$1,240 million.

10. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to 28 February 2010 and 31 December 2009, respectively, in accordance with the quarterly payment schedule.

IV. Implementation of Security Council resolution 338 (1973)

11. The Security Council, when deciding in its resolution 1899 (2009) to renew the mandate of UNDOF for a further period of six months, until 30 June 2010, also called upon the parties concerned to implement immediately its resolution 338 (1973) and requested me to submit, at the end of the period, a report on developments in the situation and the measures taken to implement resolution 338 (1973). The search for a peaceful settlement in the Middle East, in particular the efforts undertaken at various levels to implement resolution 338 (1973), was dealt with in my report on the situation in the Middle East (A/64/343) submitted pursuant to General Assembly resolutions 63/30 and 63/31.

V. Observations

12. The situation in the Israel-Syria sector has remained generally quiet. UNDOF, which was established in May 1974 to supervise the ceasefire called for by the Security Council and the agreement on disengagement between Syrian and Israeli forces of 31 May 1974, has continued to perform its functions effectively, with the cooperation of the parties.

13. Nevertheless, the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I hope that determined efforts will be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973). Since the discontinuation in December 2008 of indirect peace talks initiated by Turkey, there have been no negotiations between the parties. I encourage the parties to resume peace negotiations as soon as possible, aimed at a comprehensive peace in accordance with the Madrid Conference terms of reference for peace.

14. Under the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 31 December 2010. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel also has expressed its agreement. It is hoped that both sides will continue to make efforts to ease the limitations on the mobility of the Force and facilitate the movement of its supplies.

15. In conclusion, I wish to pay tribute to Major General Natalio Ecarma III, who assumed the leadership of UNDOF on 1 March 2010, and to the men and women serving with UNDOF and UNTSO. They have performed with efficiency and devotion to duty the important tasks assigned to them by the Security Council. I take this opportunity to express my appreciation to the Governments contributing troops to UNDOF and to those which provide the UNTSO military observers assigned to the Force.

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**General Assembly
Sixty-fourth session
Agenda item 110 (c)**

**Elections to fill vacancies in principal organs: election
of a member of the International Court of Justice**

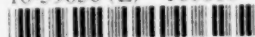
**Security Council
Sixty-fifth year**

Election of a member of the International Court of Justice**Submission of a nomination by national groups****Note by the Secretary-General**

1. In a letter dated 19 March 2010, addressed to the States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the fact that a seat on the Court had become vacant as a result of the resignation, with effect from 28 May 2010, of Judge, former Vice-President and former President Shi Jiuyong (China). In the same letter, the Secretary-General, in accordance with Article 14 of the Statute of the Court, issued the invitation provided for in Article 5, paragraph 1, of the Statute concerning the nomination of persons in a position to accept the duties of a member of the Court. He also requested that nominations be submitted by 30 May 2010 at the latest.

2. The Secretary-General has the honour to submit to the General Assembly and the Security Council, in accordance with Article 7 of the Statute of the Court, the name of the candidate nominated by the national groups (see annex).

3. The composition of the Court and the voting procedure to be followed by the General Assembly and the Security Council are set forth in a memorandum from the Secretary-General issued under the symbol A/64/808-S/2010/298. The curriculum vitae of the candidate is contained in document A/64/809-S/2010/299.



Annex

Submission of a nomination by national groups
(30 May 2010)

<i>Name and nationality</i>	<i>National group submitting the nomination</i>
Xue Hanqin (China)	Austria
	Australia
	Bulgaria
	China
	Colombia
	Egypt
	France
	Germany
	Japan
	Netherlands
	Republic of Korea
	Russian Federation
	Serbia
	Singapore
	United Kingdom of Great Britain and Northern Ireland
	United States of America



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of a member of the International Court of Justice

Security Council
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Election of a member of the International Court of Justice

Memorandum by the Secretary-General

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I. Introduction

1. By a letter dated 25 January 2010, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter dated 26 January 2010 from the President of the International Court of Justice, Judge, former Vice-President and former President Shi Jiuyong informed the President of the Court, pursuant to article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 28 May 2010. A vacancy in the Court therefore occurred on 28 May 2010.

2. Judge, former Vice-President and former President Shi was elected as a member of the Court on 10 November 1993 and was re-elected on 21 October 2002. His current term of office would have expired on 5 February 2012. According to article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in article 5 of the Statute. According to article 5, paragraph 1, of the Statute, the invitations for nomination have to be made at least three months before the date of the election, which is, pursuant to article 14, to be fixed by the Security Council.

3. By a note dated 15 March 2010 (S/2010/136), the Secretary-General referred to Judge Shi's letter of resignation and drew the attention of the Security Council to article 14 of the Statute of the Court regarding fixing the date of the election to fill the resulting vacancy in the Court. Pursuant to article 14 of the Statute of the Court, the Security Council decided, by resolution 1914 (2010) of 18 March 2010, that the election to fill the vacancy should take place on 29 June 2010 at a meeting of the Security Council and at a meeting of the General Assembly at its sixty-fourth session.

4. By a note dated 15 March 2010 (A/64/236), the Secretary-General informed the General Assembly of the resignation of Judge Shi. The Secretary-General further pointed out that since the agenda of the sixty-fourth session of the General Assembly (A/64/251 and Add.1) did not contain a sub-item concerning the election of members of the International Court of Justice, he deemed it necessary to include in the agenda of the sixty-fourth session of the Assembly, pursuant to rule 15 of the rules of procedure of the General Assembly, under item 110, entitled "Elections to fill vacancies in principal organs", a sub-item (c) entitled "Election of a member of the International Court of Justice".

5. Pursuant to article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 19 March 2010, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 30 May 2010. The nominations received by that date and the curriculum vitae of the candidate are transmitted in a document of the General Assembly and the Security Council (A/64/809-S/2010/299). The name of the candidate will appear on the ballot papers to be distributed during the election.

6. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office

for the remainder of the predecessor's term. The member elected to replace Judge Shi will thus serve until 5 February 2012.

7. The current composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. Composition of the International Court of Justice

8. The present composition of the International Court of Justice, taking account of Judge Shi's resignation, is as follows:

President

Hisashi Owada (Japan)*

Vice-President

Peter Tomka (Slovakia)*

Judges

Ronny Abraham (France)***

Awn Shawkat Al-Khasawneh (Jordan)***

Mohamed Bennouna (Morocco)**

Thomas Buergenthal (United States of America)**

Antônio Augusto Cançado Trindade (Brazil)***

Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland)***

Kenneth Keith (New Zealand)**

Abdul G. Koroma (Sierra Leone)*

Bernardo Sepúlveda-Amor (Mexico)**

Bruno Simma (Germany)*

Leonid Skotnikov (Russian Federation)**

Abdulqawi Ahmed Yusuf (Somalia)***

* Term of office expires on 5 February 2012.

** Term of office expires on 5 February 2015.

*** Term of office expires on 5 February 2018.

III. Procedure in the General Assembly and in the Security Council

9. The election will take place in accordance with the following:

- (a) The Statute of the Court, in particular articles 2 to 4 and 7 to 12 and 14;
- (b) Rules 150 and 151 of the rules of procedure of the General Assembly;
- (c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

10. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy (article 8 of the Statute).

11. According to article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.
12. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (article 10, paragraph 1, of the Statute).
13. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 192 Member States. Accordingly, on the date of this memorandum, 97 votes constitute an absolute majority in the Assembly for the purpose of the present Court election.
14. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (article 10, paragraph 2, of the Statute).
15. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.
16. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.
17. If, in the first ballot in either the General Assembly or the Security Council, no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).
18. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and in such cases the President of the Council has made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.
19. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second

organ to the members until that organ has itself given a candidate the required majority of votes.

20. If, upon comparison of the name of the candidate so selected by the General Assembly and the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

21. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.



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**Elections to fill vacancies in principal organs: election of
a member of the International Court of Justice**

**Security Council
Sixty-fifth year**

Election of a member of the International Court of Justice

Curriculum vitae of the candidate nominated by national groups

Note by the Secretary-General

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I. Introduction

The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a vacancy in the International Court of Justice caused by the resignation of Judge, former Vice-President and former President Shi Jiuyong (China). The information on the candidate has been circulated in document A/64/807-S/2010/297. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued under the symbol A/64/808-S/2010/298.

II. Curriculum vitae

Xue Hanqin (China)

[Original: Chinese]

Name: Xue Hanqin
Date of birth: 15 September 1955
Place of birth: Shanghai, China
Gender: Female
Nationality: Chinese
Marital status: Married with one daughter

Education

1991-1995	Columbia University School of Law, J.S.D.
1982-1983	Columbia University School of Law, LL. M.
1977-1980	Beijing Foreign Language Studies University, B.A.
1981-1982	Beijing University, Department of Law, Diploma in international law

Current positions

2008-present	Ambassador to ASEAN, Legal Counsel of the Ministry, Ministry of Foreign Affairs of China
2002-present	Member of the International Law Commission (re-elected in 2006 by the United Nations General Assembly for the term 2007-2011)

Previous positions

2003-2008	Ambassador of the People's Republic of China to the Kingdom of the Netherlands, and Permanent Representative of the People's Republic of China to the Organization for the Prohibition of Chemical Weapons
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1999-2003	Director-General, Department of Treaty and Law, Ministry of Foreign Affairs
1994-1999	Deputy Director-General, Department of Treaty and Law, Ministry of Foreign Affairs
1988-1994	Division Chief, Department of Treaty and Law, Ministry of Foreign Affairs
1984-1988	Deputy Division Chief, Department of Treaty and Law, Ministry of Foreign Affairs
1980-1984	Legal officer, Department of Treaty and Law, Ministry of Foreign Affairs

Academic posts

2009-present	President, Asian Society of International Law
2005-present	Member, l'Institut de droit international, Bruxelles
2000-present	Vice-President, Chinese Society of International Law
1997-present	Board member, China Law Society
1993-present	Editorial Board member, Chinese Yearbook of International Law
1993-2004	Consultant, Committee on Water Resources, International Law Association, London
1999-2003	Vice-President and Board member, Chinese Society of International Private Law
2008-present	Adjunct Professor, Wuhan University School of Law
2004-present	Distinguished Professor, Institute of Law, Chinese Academy of Social Sciences
1998-present	Adjunct Professor of Law, China Foreign Affairs University
1994-present	Adjunct Professor of Law, Law Department, Beijing University
1988	Passed Chinese national bar examination

Professional experience

International conferences and treaty negotiations

1982,1990,1993	Member, Chinese delegation, United Nations Special Committee on the Charter and the Strengthening of the Role of the Organization
1980-1984	Member, Chinese delegation, United Nations Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee
1986	Delegation legal adviser, IAEA Legal Experts meeting on the drafting of the two conventions on early notification and emergency assistance
1986-1987	Member, Chinese delegation, Sixth Committee, United Nations General Assembly

- 1987-1988 Member, Chinese delegation, ICAO Legal Committee meeting on the drafting of the Protocol for the Suppression of Unlawful Acts of Violence at International Airports, Supplementary to the Montreal Convention
- 1993 Member, Chinese delegation, Third Committee, United Nations General Assembly
- 1993 Legal expert, Meeting of Legal Experts on the establishment of the International Tribunal for the Former Yugoslavia
- 1994 Head, Chinese delegation, experts meeting on the United Nations Convention on Jurisdictional Immunities of States and Their Property
- 1994 Head, Chinese delegation, The Hague Conference on Private International Law, meeting on the question of the application of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption
- 1994 Head, Chinese delegation, United Nations meeting on the protection of the safety of United Nations personnel and associated personnel
- 1995 Head, Chinese delegation, INCED meetings on United Nations Convention to Combat Desertification
- 1996 Head, Chinese delegation, Framework Convention on Climate Change meeting, Berlin Mandate
- 1996 Deputy head, Chinese delegation, presenting national report on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination
- 1998 Member, Chinese delegation, The Hague Conference on Private International Law, meeting on the recognition and enforcement of foreign judgements
- 1998-1999 Head, Chinese delegation, legal experts meeting on the drafting of the United Nations Convention against Transnational Organized Crime
- 1999 Deputy head, Chinese delegation, presenting national report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women
- 2003 First Vice-Chairperson, fifty-sixth session of the International Law Commission
- 2004 Chairperson, Informal Advisory Group on the admission of the European Community to The Hague Conference
- 2005 Vice-chairperson, twentieth session of The Hague Conference of Private International Law

Bilateral legal consultations

Head, Chinese delegation, negotiation with the United Kingdom Government on legal matters relating to Hong Kong, particularly matters regarding the continued application of international conventions and treaties as well as special arrangements of bilateral agreements in certain fields after 1997

Head, Chinese delegation, negotiation and conclusion with Bulgaria of the Agreement on Judicial Assistance in Civil and Criminal Matters and Treaty on Extradition between China and Bulgaria

Head, Chinese delegation, negotiation and conclusion with Morocco of the Treaty on Judicial Assistance in Civil and Commercial Matters between China and Morocco

Head, Chinese delegation, negotiation and conclusion with Romania of the Treaty on Extradition between China and Romania

Head, Chinese delegation, consultations with Croatia and Slovenia on the succession of treaties concluded between China and the former Yugoslavia

Head, Chinese delegation, negotiation and conclusion with Mongolia of the Treaty on Extradition between China and Mongolia

Head, Chinese delegation, negotiation and conclusion with Uzbekistan of the Treaty on Judicial Assistance in Civil and Criminal Matters and the Treaty on Extradition between China and Uzbekistan

Head, Chinese delegation, negotiation and conclusion with Indonesia of the Treaty on Judicial Assistance in Criminal Matters

Chief negotiator, negotiations with the Bank for International Settlements on the Host Country Agreement on the Establishment of the Branch Office of the Bank in the Hong Kong Special Administrative Region

Head, Chinese delegation, negotiations with the Portuguese Government on legal matters relating to Macao, especially with regard to the legal arrangement of the continued application of international conventions and agreements after 1999

Head, Chinese delegation, negotiation and conclusion with Viet Nam of the Treaty on Judicial Assistance in Civil and Criminal Matters between China and Viet Nam

Head, Chinese delegation, negotiation and conclusion with Tunisia of the Treaty on Judicial Assistance in Civil Matters between China and Tunisia

Head, Chinese delegation, negotiation and conclusion with Lithuania of the Treaty on Judicial Assistance in Civil and Criminal Matters between China and Lithuania

Chief negotiator, negotiations with the United States on property damages arising from United States bombing of the Chinese Embassy in Yugoslavia

Head, Chinese delegation working group on delimitation of the maritime boundaries of territorial sea, exclusive economic zone and continental shelf of Beibu Gulf between China and Viet Nam

Major publications

Books

National Treaty Law and Practice, Duncan B. Hollis, Merritt R. Blakeslee & L. Benjamin Ederington, eds., Martinus Nijhoff Publishers, London Boston, 2005 (Chapter 5 on China).

Transboundary Damage in International Law, Cambridge University Press, 2003.

International Law, Shao Jin, ed., Beijing University Press and Higher Education Press, Beijing, 2000 ("State Responsibility" chapter).

Commentary on the Charter of the United Nations (co-editor), Shanxi Publishing House, 1999.

A Complete Compilation of Treaties on Trade and Economy between China and Foreign Countries (co-editor), Xinhua Publishing House, Beijing, 1996.

International Law, Wang Tieya, ed., Law Press, Beijing, 1995.

Articles

"International Treaties in the Chinese Domestic Legal System", *Chinese Journal of International Law*, vol. 8, No. 2, July 2009.

"Fragmented Law or Fragmented Order?" (speech at the Post-ILC Debate on Fragmentation of International Law Conference, 23-24 February 2007, Helsinki), *Finnish Yearbook of International Law*, vol. XVII, 2006.

"Chinese Observations on International Law" (lecture delivered at Grotius Centre of International Law on 1 November 2006), *Chinese Journal of International Law*, vol. 6, No. 1, 2007.

"The Fifty-seventh Session of the International Law Commission", *Chinese Yearbook of International Law*, 2006.

"The Fifty-sixth Session of the International Law Commission", *Chinese Yearbook of International Law*, 2005.

"China's Open Policy and International Law" (lecture initiated by the Institute of Social Studies, The Hague, September 2004), *Chinese Journal of International Law*, vol. 4, No. 1, 2005.

"State Responsibility and *erga omnes* obligation", *Chinese Yearbook of International Law*, 2004.

"The Fifty-fifth Session of the International Law Commission", *Chinese Yearbook of International Law*, 2004.

"What Has Been Changed?" (a contribution to Agora: Is the Nature of the International Legal System Changing?), *Austrian Review of International and European Law*, vol. 8, 2003.

"The Fifty-fourth Session of the International Law Commission", *Chinese Yearbook of International Law*, 2003.

"The Collective Concept in State Responsibility" (panel speech on State responsibility at the annual session of the American Society of International Law,

15 March 2002), *Proceedings of the 96th Annual Meeting of the American Society of International Law*, 2002.

"On Sustainable Development", in *Pacific Journal*, vol. 4, 1997.

"The Role of the United Nations in the Development of International Law", *Chinese Yearbook of International Law*, 1995.

"Transboundary Damage in International Law", *Peace, Justice and Law: a collection of papers on international law in honour of Professor Wang Tieya*, 1993.

"Relativity in International Water Law", *Colorado Journal of International Environmental Law and Policy*, vol. 3, No. 1, 1992.

"International Law Issues in the Kokaryo Case", in *Chinese Yearbook of International Law*, 1988.

"Commentary on the Two Nuclear Safety Conventions", *Chinese Yearbook of International Law*, 1987.

"A Comparative Study of the Legal Regimes of the 'Common Resources'", *Chinese Yearbook of International Law*, 1986.

"The Twenty-third Session of the Legal Sub-committee of the Outer Space Committee", *Chinese Yearbook of International Law*, 1985.

"On Outer Space Law Issues" (co-author), in *Studies of International Affairs*, vol. 4, 1983.

**Security Council**

Distr.: General
9 June 2010

Original: English

Twenty-ninth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)**I. Introduction**

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999). It covers both the issues of missing Kuwaiti and third-country nationals and of missing Kuwaiti property, including national archives. My twenty-eighth report (S/2009/539) was submitted in October 2009.

2. At the Security Council's request, contained in a letter dated 26 March 2008 (S/2008/206), I submitted a comprehensive report on 8 April 2009 (S/2009/190), which contained a proposal to introduce a period of confidence- and cooperation-building between Iraq and Kuwait lasting until June 2010 to further encourage the parties to achieve visible and significant progress and to strengthen their practical cooperation. The Security Council supported that proposal.

II. Background

3. During the period under review, the Cooperation Council for the Arab States of the Gulf, the League of Arab States and the Organization of the Islamic Conference kept the issues in the present report on their agenda.

4. The Ministerial Council of the Gulf Cooperation Council, at its 114th session, held in Riyadh on 9 March 2010, stressed the need for Iraq to complete the implementation of all relevant Security Council resolutions, and urged the United Nations and other concerned parties to continue their efforts to conclusively determine the fate of the Kuwaiti missing persons and prisoners of war and other missing third-country nationals, as well as the return of the Kuwaiti national archives.

5. The Council of the League of Arab States, meeting at the summit level on 27 and 28 March 2010 in Sirte, Libyan Arab Jamahiriya, renewed its condemnation of the serious violations of human rights perpetrated during the occupation of Kuwait and the obliteration of the facts concerning Kuwaiti and other national prisoners and missing persons, the remains of many of whom have been found in mass graves. It expressed the deepest sympathy for the families of the victims whose remains have been identified and concern for the ordeal of the families of those whose whereabouts remain unknown. It commended the cooperation between

the Governments of Iraq and Kuwait in the efforts towards uncovering the fate of all those Kuwaiti and other missing persons and prisoners. The League of Arab States Council also noted Iraq's gratitude to Kuwait for the grant of \$1 million to the Iraqi Ministry of Human Rights to support its efforts in that field.

6. The Council of Foreign Ministers of the States members of the Organization of the Islamic Conference, at its 37th session, held from 18 to 20 May 2010 in Dushanbe, condemned the massive violations of human rights and the killing of Iraqis, Kuwaitis and citizens of third countries by the former Iraqi regime in contravention of international law and international humanitarian law, and welcomed all measures taken by the Government of Iraq to prosecute the criminals.

7. The facts relevant to the mandate of the High-level Coordinator were outlined in paragraphs 24 to 29 of my report (S/2009/385) pursuant to paragraph 5 of Security Council resolution 1859 (2008).

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

8. Throughout the reporting period, the High-level Coordinator, Ambassador Gennady Tarasov, focused his efforts on encouraging the intensification of the search for the missing Kuwaiti and third-country nationals and property in the framework of the confidence- and cooperation-building process between Iraq and Kuwait. To that end he travelled to the region in January, March and May 2010. Those trips coincided with the meetings of the Technical Subcommittee of the Tripartite Commission, which is the primary mechanism for dealing with the issue of persons unaccounted for from the 1990/91 Gulf war. He maintained regular contacts with representatives of Iraq, Kuwait and other members of the Technical Subcommittee.

9. The Coordinator was received on 20 May 2010 by the Prime Minister, Sheikh Naser Al-Mohammad Al-Ahmad Al-Sabah, and the Deputy Prime Minister and Foreign Minister of Kuwait, Sheikh Mohammed Al-Sabah Al-Salem Al-Sabah. The Kuwaiti Government officials stressed the importance of clarifying the fate of missing Kuwaiti nationals, which continued to be a source of anguish for many families in their country, as well as the Kuwaiti property including the national archives. They appreciated the role played by the United Nations and the Security Council in pursuing this humanitarian issue.

10. The Chairman of the Kuwaiti National Committee on Missing Persons and Prisoner of War Affairs and the head of the Iraqi delegation to the Technical Subcommittee regularly briefed the Coordinator on developments regarding the search for the missing Kuwaiti and third-country nationals. Both found it necessary to accelerate practical steps on the ground with a view to achieving progress.

11. At the 63rd meeting of the Technical Subcommittee (January 2010) Kuwait presented its plan of action and supporting documents, which included lists of names and sketches of Iraqi security officials active during the occupation of Kuwait (see annex I). The Kuwaiti plan provided for wider information-gathering efforts with regard to burial sites and witnesses and also urged Iraq to reach out to local authorities, sheikhs and imams to help to obtain information on the missing

persons and property. The plan was accepted by the Technical Subcommittee as a non-binding document.

12. The activities of Iraq in the search for missing Kuwaiti and third-country nationals included publishing their pictures and names on the website of the Ministry of Human Rights. The Ministry requested anyone with information on the missing to come forward. Iraq formed an Inter-Ministerial Committee to deal with this issue, consisting of the Ministries of Human Rights (Chair), Defence, the Interior and National Security. The Committee has held several meetings since 16 February 2010 and the Kuwaiti plan was made available to the participants.

13. Iraq identified a witness who helped to find a new burial site near Ramadi. Samples of skeletal material from the site were in March handed over to Kuwait through the International Committee of the Red Cross (ICRC) for DNA analysis. While the samples may not match the reference data of the Kuwaiti missing persons, the step was welcomed by the members of the Technical Subcommittee as it was undertaken by Iraq on its own initiative.

14. Iraqi technical teams examined several sites in accordance with the coordinates provided by Kuwait but no human remains were found. The Iraqi delegation to the Technical Subcommittee informed the Coordinator that Iraq had acquired certain additional experience in genetic extraction and DNA profiling, although a shortage of specialized equipment remained an acute problem.

15. In a related development, a team of experts and forensic specialists from ICRC, Iraq, Kuwait, the United States of America and the United Kingdom of Great Britain and Northern Ireland discovered and exhumed the remains of 55 Iraqi military personnel in northern Kuwait on 6 May 2010. The remains were subsequently handed over to Iraq. This success, coupled with the return of the remains of several Iraqi soldiers in March, demonstrated the effectiveness of sustained and professional action in finding missing people despite the passage of so many years. The Coordinator was informed that a similar team planned to undertake a mission later in 2010 to Nasseriya, Iraq, where the remains of Kuwaiti missing persons may be buried among others.

16. I kept the issue of the missing Kuwaiti and third-country nationals under my constant purview. On 21 January 2010, I wrote to the Prime Minister of Kuwait welcoming the decision of the Government of Kuwait to contribute US\$ 974,000 to a project, sponsored by the United Nations Assistance Mission for Iraq and the United Nations Office for Project Services (UNOPS), aimed at building the capacity of the Ministry of Human Rights of Iraq with regard to mass grave excavation and the identification of missing persons. A memorandum on the subject, between the Government of Kuwait represented by the Permanent Mission of Kuwait to the United Nations and UNOPS, was signed on 27 May.

17. On 5 May 2010, I discussed in New York the issue of Kuwaiti missing persons and property with the visiting Foreign Minister of Kuwait, Sheikh Mohammed Al-Sabah Al-Salem Al-Sabah, who reaffirmed the need to accelerate the implementation of the mandate outlined in paragraph 14 of Security Council resolution 1284 (1999) and welcomed the role played by the High-level Coordinator. He noted that Kuwait's grant to the Iraqi Ministry of Human Rights was the reflection of Kuwait's willingness to help Iraq to find the remains of missing

persons regardless of their nationality. Kuwait viewed this as a humanitarian gesture aimed at strengthening confidence and trust between the two peoples.

18. On 15 April 2010, I sent letters to the Prime Ministers of Iraq and Kuwait calling for further efforts to achieve progress in the search for missing persons and property before June 2010 which would enable me to report accordingly to the Security Council. Iraq and Kuwait were requested to provide perspectives and practical suggestions for inclusion in the present report.

19. The Prime Minister of Kuwait in his reply dated 12 May 2010 (see annex II) stressed that the issue of missing Kuwaiti persons and property should be taken to a new and practical level, with a view to expediting the implementation by Iraq of its international commitments under the relevant Security Council resolutions, thereby strengthening the process of building trust and cooperation between the two countries. The Prime Minister suggested that the mandate of the High-level Coordinator be continued and the confidence-building period be extended for another year.

IV. Recent activities with regard to the return of Kuwaiti property

20. I am concerned by the fact that the Kuwaiti national archives have not been found and no credible information about their whereabouts has emerged. In all his contacts, the Coordinator consistently stressed the need to intensify the search for the national archives, to which Kuwait attaches particular importance.

21. On 4 February 2010, the Permanent Representative of Iraq to the United Nations informed the Coordinator that the Iraqi Ministry of Foreign Affairs had published an announcement in the official newspaper, *Al-Sabah*, calling on anyone who possessed Kuwaiti documents or property seized by the former regime during the occupation of 1990 to contact the Ministry of Foreign Affairs so that they could be returned to Kuwait.

22. The Coordinator, in his contacts with Iraqi representatives, called for sustained and concerted action to be taken with regard to clarifying the fate of the Kuwaiti archives and other properties and suggested that an official Iraqi body be set up to lead and coordinate efforts in this regard.

V. Observations

23. It appears that the confidence- and cooperation-building period between Iraq and Kuwait, launched in April 2009, has proved to be useful in galvanizing the search for the missing Kuwaiti and third-country nationals. It has helped to strengthen the practical cooperation between the parties concerned and to streamline the activities of various Iraqi Government bodies and institutions under the Inter-Ministerial Committee, thus demonstrating that a genuine effort can bring results.

24. The current spirit of commitment and positive interaction among the members of the Tripartite Commission and its Technical Subcommittee has been a remarkable achievement and needs to be translated into tangible outcomes. I commend the concrete efforts undertaken by Iraq to meet its responsibilities under paragraph 14 of

Security Council resolution 1284 (1999) and the proactive and supportive attitude of Kuwait. I appreciate the efforts of ICRC and other members of the Tripartite Commission.

25. Nevertheless, the positive results attained to date have been primarily of a preparatory nature. No confirmed remains of Kuwaiti or third-country nationals (of the 369 people still on the list of the missing) have been found during the reporting period. The main task of discovering and identifying them, and finally closing the files, lies ahead. This objective can be achieved only through close cooperation and building bridges of trust between Iraq and Kuwait. The continuing support of the international community and of the Security Council is essential for making significant and tangible progress in this important humanitarian issue.

26. I call on Iraq and Kuwait to continue to act in the spirit of the confidence- and cooperation-building process and apply this to the resolution of a larger set of outstanding issues between the two countries which should contribute to the further strengthening of their good-neighbourly relations and enhancing regional stability.

27. I recommend that the Security Council extend the financing of the Coordinator's mandate until December 2010 so as to build the present momentum towards the implementation of paragraph 14 of Security Council resolution 1284 (1999).

Annex I

Letter dated 17 March 2010 from the Deputy Chairman of the National Committee for Missing Persons and Prisoner of War Affairs addressed to the High-level Coordinator

I have the honour to refer to the meeting with you held on 16 March 2010 at the headquarters of the National Committee for Missing Persons and Prisoner of War Affairs, at which you were advised of the outcome of the 64th meeting of the Technical Subcommittee of the Tripartite Commission.

I should like to attach hereto a copy of the plan of action for the search for the remains of Kuwaiti prisoners and missing persons that was submitted to the Tripartite Commission and incorporated into the agenda of the Technical Subcommittee (see enclosure).

(Signed) Ibrahim Majed **Al-Shaheen**
Deputy Chairman of the Committee

Enclosure

Proposal concerning a parallel plan of action for the search in Iraq for the remains of Kuwaiti prisoners and missing persons

Against the background of the activation of Technical Subcommittee endeavours, which were essentially instituted with a view to accelerating results with respect to the issues of which it is seized; in the light of the stability of the security situation in Iraq; in view of the need to continue field operations to uncover mass graves in the areas specified and others; and given the nature of the work at those sites, it is necessary to have recourse to more than one plan for uncovering the remains.

In the hope of determining the fate of Kuwaiti prisoners and missing persons and ending the suffering of their families, set forth below is a proposed plan for achieving rapid results in this humanitarian issue.

The plan is divided into four parts, as follows:

1. To get to the root of the matter through discussions with security apparatuses and personnel.
2. To carry out investigations among ordinary people.
3. To use Iraqi documents to conduct the investigation.
4. To use Iraqi documents that were abandoned in Kuwait and copies of Iraqi prisoner sketches.

Work in those four areas may be summarized as follows:

1. To get to the root of the matter through discussions with security apparatuses and personnel

This part consists of the following:

- (a) To investigate information from all security personnel who had any connection to prisoners during the invasion and until 2003, such as Ali Hassan Al-Majid and other known leaders and officers responsible for this file under the previous regime.
- (b) To identify and obtain information from former heads of security in southern governorates where detention centres or burial sites are located, including Basra, Nasiriyah, Samawah, Amarah, Ramadi, Karbala and Najaf.
- (c) To identify and obtain information from former prison governors in Iraqi governorates, including Basra, Nasiriyah, Samawah, Amarah, Ramadi, Karbala and Najaf.
- (d) To identify and question individuals and soldiers who worked in security installations and whose work concerned Kuwaiti prisoners and missing persons.

2. To carry out investigations among ordinary people

This part consists of the following:

(a) To establish contacts with the governors of the southern governorates and coordinate with them with regard to the best means of obtaining information on Kuwaiti prisoners and missing persons from people in those governorates.

(b) To notify the governors of southern governorates of the existence of graves in their governorates and transfer to them responsibility for the provision of information on those sites. Places in those governorates should be designated for the reception of citizens who have any relevant information, and competent teams should investigate such information in preparation for identifying burial sites.

(c) To establish contacts with tribal leaders and coordinate with them in order to obtain any information on Kuwaiti prisoners and missing persons that may have reached them. Given the stature of those leaders in Iraqi society, it may encourage people to provide any information they have about Kuwaiti prisoners and missing persons.

(d) To involve members of local councils in the search for information at the popular level, given the direct relations they have with the population of their districts and the popular trust that they enjoy, which may mean that anyone who has information is not so intimidated that they will not pass it on.

(e) To use all forms of the Iraqi media, including television, radio and street advertising, in order to obtain information on Kuwaiti prisoners and missing persons. Announcements should be so formulated as to assure anyone with information that they will be performing a humanitarian service.

3. To use Iraqi documents to conduct the investigation

This part consists of the following:

(a) To seek official documents related to Kuwaiti prisoners and missing persons kept by the authorities and the people, and by individuals in Iraq or by foreign parties.

(b) To review the documents kept by the United States for information on Kuwaiti prisoners and missing persons.

(c) To establish the necessary contacts with the members of the Iraqi delegations who took part in negotiations related to Kuwaiti prisoners and missing persons under the former regime.

4. To use Iraqi documents that were abandoned in Kuwait and copies of Iraqi prisoner sketches

Kuwait is responsible for providing information in this area. It has already provided copies of all Iraqi documents that were abandoned in Kuwait by Iraqi forces during the 1991 war of liberation.

This part consists of the following:

To resubmit copies of the Iraqi documents held by Kuwait that were abandoned by Iraqi forces during the 1991 war of liberation, in order to allow the Iraqi side to closely examine them and identify persons responsible for Kuwaiti prisoners and missing persons, preparatory to questioning and following up information from them.

Implementation of the plan of action

1. Kuwait should provide any Iraqi documents in its possession that relate to Kuwaiti prisoners.
2. Kuwait should provide any information it has on Iraqi prison governors and officers who, on the basis of the information Kuwait has, are connected with prisoners.
3. The current administrative apparatus in Iraq, as represented by the Ministry of Human Rights, should be persuaded to establish contacts with other relevant bodies mentioned in this plan, including governors and the security apparatus.
4. Iraq should provide the Technical Subcommittee with the names of security personnel, heads of security and prison governors under the former regime as soon as they have been identified.
5. Iraq should provide the Technical Subcommittee with the information it has obtained from persons it has interviewed, including security personnel, governors, tribal leaders and members of the former Iraqi delegation who took part in negotiations related to Kuwaiti prisoners and missing persons.
6. Iraq should investigate and verify the information it obtains and inform the Technical Subcommittee of the outcome of those investigations.
7. The United States delegation should provide any documents it has discovered that relate to Kuwaiti prisoners and missing persons.
8. Iraq should inform the Technical Subcommittee of any measures it has taken in the media with a view to investigating the fate of Kuwaiti prisoners and missing persons. It should also inform the Technical Subcommittee of any information produced by those measures.
9. Iraq should implement all aspects of this plan, including contacts, coordination and the identification of wanted persons within at most three months from the date of its adoption. Kuwait should resubmit to Iraq copies of the Iraqi documents held by Kuwait that were abandoned by Iraqi forces in 1991, together with copies of sketches of officers and soldiers, within one week of the date of the adoption of this plan.

Annex II**Letter dated 12 May 2010 from the Prime Minister of Kuwait addressed to the Secretary-General**

I should first like to thank you for your letter dated 15 April 2010, which concluded with the wish to obtain the views and suggestions of the Government of Kuwait on the proposed contents of the report that you will submit to the Security Council in June 2010, pursuant to Security Council resolution 1284 (1999), paragraph 14.

While I appreciate your letter's commendation of the energetic support provided by Kuwait with respect to the financing of the United Nations project for building the capacities of the Iraqi Ministry of Human Rights to search for missing persons, I assure you that we believe that the issue of Kuwaiti and other nationals missing in Iraq must be taken to a new and practical level, with a view to expediting implementation by Iraq of its international commitments, as provided under the relevant Security Council resolutions. This humanitarian issue is of the greatest concern to Kuwait and requires that you and the international community uphold the mandate of the High-level Coordinator and ensure that he is able to complete the noble task with which he is entrusted, particularly in view of the fact that Iraq has recently shown greater cooperation in working towards the closure of the file on this important humanitarian issue.

You are well aware that Kuwait has for many years tirelessly proposed programmes of work and practical measures within the framework of Tripartite Commission and Technical Subcommittee meetings. Most recently, we proposed a programme of work, a copy of which was transmitted on 1 April 2010 to the High-level Coordinator, Ambassador Gennady Tarasov, with a view to concluding this humanitarian issue, which has persisted for two decades. The time has come for the Kuwaiti people, the families of the missing persons and the peoples of the relevant other countries to learn the fate of their missing persons.

While assuring you of the importance of the amicable relations between our two countries, it is our view that the way for Iraq to complete its obligations under Security Council resolutions that were adopted pursuant to Chapter VII of the Charter of the United Nations is to oblige it to resolve all the issues and problems that resulted from the occupation of Kuwait on 2 August 1990, which include the issue of Kuwaiti and other nationals missing in Iraq and the cessation of violations and maintenance of the border markers, thereby strengthening the process of building trust and cooperation between the two countries.

With respect to the return of Kuwaiti property, I am sorry to say that there is nothing new with regard to the restoration of the Kuwaiti national archives, the fate of which is unknown to this day. Given that Kuwait has put forward many programmes of work and practical measures relating to the issue of missing Kuwaiti and other nationals, we hope that Iraq will devise plans to locate Kuwaiti property and, in particular, the national archives, and will inform the High-level Coordinator to that effect. That would strengthen the trust- and cooperation-building stage that will end in June 2010. Action should be taken to extend this stage for a further year in order to review what has been achieved in respect of this important file.

(Signed) Naser Al-Mohammad Al-Ahmad **Al-Sabah**
Prime Minister

**Security Council**

Distr.: General
9 June 2010

Original: English

Letter dated 7 June 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter to the President of the Security Council of 15 December 2009 (S/2009/664) on the activities of the United Nations Political Office for Somalia (UNPOS), in which I conveyed my intention to continue these activities for the biennium 2010-2011, given the crucial role of UNPOS at this critical juncture of the Somali peace process. In the letter from the President of the Council dated 21 December 2009 (S/2009/665), the members of the Council took note of my intention to let UNPOS continue to carry out its tasks during the biennium 2010-2011.

Following the usual consultations, I should like to inform you that it is my intention to appoint Augustine Mahiga (United Republic of Tanzania) as my Special Representative for Somalia and Head of UNPOS, with effect from 1 July 2010. He will succeed Ahmedou Ould-Abdallah (Mauritania), who has served as my Special Representative for Somali since September 2007. I should like to take this opportunity to express my appreciation to Mr. Ould-Abdallah for his great contribution to the effort to build peace in Somalia during his tenure in UNPOS.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) **BAN Ki-moon**



Security Council

Distr.: General
9 June 2010

Original: English

Letter dated 9 June 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 7 June 2010 (S/2010/301) concerning your intention to appoint Augustine Mahiga (United Republic of Tanzania) as your Special Representative for Somalia and Head of the United Nations Political Office for Somalia has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(Signed) Claude **Heller**
President of the Security Council

**Security Council**

Distr.: General
9 June 2010

Original: English

Letter dated 7 June 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Organization Mission in the Democratic Republic of the Congo, established on 30 November 1999 pursuant to Security Council resolution 1279 (1999) and most recently extended by Council resolution 1925 (2010) until 30 June 2010, after which date the Mission will bear the title of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

Following the usual consultations, I would like to inform you of my intention to appoint Roger A. Meece (United States of America) as my Special Representative for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. Mr. Meece, who served as United States Ambassador to the Democratic Republic of the Congo, will replace Alan Doss as of 1 July 2010.

I should like to take this opportunity to express my gratitude to Mr. Doss for his significant contribution to the United Nations peace efforts in the Democratic Republic of the Congo and his effective leadership of the United Nations Organization Mission in the Democratic Republic of the Congo.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) **BAN Ki-moon**



Security Council

Distr.: General
9 June 2010

Original: English

Letter dated 9 June 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 7 June 2010 (S/2010/303) concerning your intention to appoint Mr. Roger A. Meece (United States of America) as your Special Representative for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(Signed) Claude Heller
President of the Security Council



Security Council

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Letter dated 8 June 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission in the Sudan (UNMIS) which was established by the Security Council under resolution 1590 (2005) and extended by resolution 1919 (2010) of 29 April 2010.

Following the usual consultations, it is my intention to appoint Major General Moses Bisong Obi (Nigeria) to the post of Force Commander of UNMIS. He will replace Lieutenant General Paban Jung Thapa (Nepal). I would like to take this opportunity to express my appreciation to Lieutenant General Thapa for his dedicated service during his tenure in UNMIS.

I would be grateful if you could bring this letter to the attention of the Security Council.

(Signed) **BAN** Ki-moon



Security Council

Distr.: General
9 June 2010

Original: English

Letter dated 9 June 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 8 June 2010 (S 2010 305) concerning your intention to appoint Major General Moses Bisong Obi (Nigeria) as Force Commander of the United Nations Mission in the Sudan has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(Signed) Claude **Heller**
President of the Security Council

